

California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

Lobbying: Facts and Flim-Flam



Regional Government in California

Behind the Court's Velvet Curtain

Cal Expo Fails to Fulfill Promise

Initiatives Headline Long Ballot

August 1972

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Editor's Note

We were in Mexico for four weeks while the last issue was written and published, the first days away from the *Journal* since it began. Unfortunately no one seems to have noticed the absence, and the last issue showed nothing but improvement, I regret to concede. It was a unique experience upon returning to read the *Journal* for the first time from the same vantage point of all our subscribers. Some of the impressions gained from that perspective will be reflected in the continuing development of the *Journal* as the most authoritative, essential and readable source on state government and politics.

* * *

Two distinguished Californians were recently elected to the Board of Directors of the California Center for Research and Education in Government, publisher of the *California Journal*: Rosellen Kershaw, State President of the American Association of University Women, who has been a friend of the *Journal's* since the early days; and Hon. Pete Wilson, Mayor of San Diego, who was already a *Journal* subscriber when he was an Assemblyman. One can't help but think that *Journal* readers seem to be going places. We are delighted to have these two old friends on the board and look forward to their continuing advice and assistance in the future.

* * *

The State's voters in November will be confronted by nine initiatives and perhaps that many legislative constitutional amendments and bond measures, many of them complex and controversial. In this and the next two issues, we will analyze, as fairly and thoroughly as we can, all of these measures.

We also plan to reprint all of these analyses in a 16-24 page booklet which will be available by mid-September. The exact format and price of the booklet will be announced in the next issue. In the meantime, if you or your organization would be interested in multiple copies of such a summary, drop us a line to give us an indication of quantities you may want so we can plan to print a sufficient number of copies and can notify you directly as soon as the booklet is available.

* * *

The Legislature finally recessed on August 4th, after completing action in the final days on a number of important measures. As indicated last month, we are delaying publication of a legislative session summary until the next issue in order to cover all the major developments up until the recess.

California Journal

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Lobbying the Legislature: Facts, Friendship, Favors, and Flim-Flam

"That's the part you never read about," the lobbyist was saying "off the record". It was the end of another hectic day toward the session's end, and he stretched a bit in the slightly over-sharp suit indigenous to the capitol. "We get up at these hearings, you know, and we argue our case, and maybe other guys get up and argue against us. Then the committee votes, say, and that's all you'll read about — the vote and maybe a sentence or two on the arguments. But nothing about all the work we did!"

"Take yesterday: I'm up at 6:30, have breakfast by 7:30, and check the Assembly File to see that my hearings are still on for the afternoon, OK? Then I'm across the street all morning talking to committee members and consultants, going over the legislation we want, telling 'em what it does, trying to understand their problems and meet their objections, and then we go

Can lobbyists have it both ways? Undercutting their every assertion that their work is above-board, often hum-drum, and basically concerned with the nitty-gritty of influencing legislation is that frequent gratuitous aside that suggests how hard the romance of skullduggery dies, even among lobbyists. It is, perhaps, a remembrance of times past, and of that huge man who, just 23 years ago, allowed himself to be photographed for a national magazine with a raggedly dressed ventriloquist's dummy he called "Mr. Legislature" dangling on his knee. That photograph of Artie Samish, lobbyist for liquor, billboard, trucking, and horse-race interests, among others, illustrated the first of two articles on "The Secret Boss of California" published by *Collier's* in August 1949. The Samish articles created a sensation in California, and finally shamed the legislators, who had been so responsive to Samish's desires for almost 20 years, into taking some action to control lobbying.

Since that time, there have been many changes in the conditions under which the third house must pursue its business, some of which have been aimed directly at preventing the lobbyists for private interests from again dominating the Legislature, but most of which have had that effect quite indirectly, without having been adopted for that purpose. Immediately following the Samish revelations, the Legislature enacted laws requiring lobbyists to register and to identify the interests they represent — something that until then had been done only informally by each house. Then, in the sixties, came the rapid growth of the legislative staff, particularly in the Assembly, giving the legislators an independent source of information on the issues before them and thus freeing them from dependence upon

to the hearing. And all you'll see in the paper is that hour or two at the hearing!

"Then take our expense accounts: that stuff's overplayed! Entertainment's just not that important anymore. When I first came up here, I used to read those stories about how much is spent each month, and I was really impressed — until I saw that the big figures included salary and office help and room bills and all the rest that goes into running a lobbying operation. Now look, it costs a lot of money to maintain a fulltime lobbying operation, let's face it! What's the surprise in that?"

The interview draws to a close, and the lobbyist relaxes. He thinks a moment, then shakes his head, and smiles.

"If only I wasn't a lobbyist," he says, chuckling. "The stories I could tell . . .!"

lobbyists who are paid to present a case favorable to their employers. Another change came when Jesse M. Unruh became Speaker of the Assembly and gained control of the collection and distribution of Assembly campaign contributions. Lobbyists who had been in the practice of passing out such contributions themselves found Unruh to be a new middleman cutting off their link with individual legislators.

Unruh's system did not carry over to the Senate in any significant way, however, and that house, whose members held their seats longer and thus were more of a known quantity to the third house, became the focus of most lobbying activity. This situation was changed rather dramatically in 1966, however, when the Senate was reapportioned, eliminating the heavy rural bias of earlier years and bringing in many new members who were not as well known to the lobbyists. Moreover, the change in Senate membership resulted in a decline in the importance of seniority in committee assignments and at least a temporary strengthening of party ties, two factors that tended to weaken the influence of the private interest lobbyists.

Other changes during this period included the adoption of an amendment to the state Constitution permitting legislators to set their own salary levels and providing an immediate increase in those salaries from \$6,000 to \$16,000 per year. In exchange for the increase, the Legislators agreed to enact a conflict-of-interest law which, although much weaker than it was promised to be, did place some new restraints on the outside earnings of legislators. More subtle, but perhaps more important, was the effect of the growing length of the Legislature's sessions and the change to

annual regular sessions in 1967. Previously, lobbyists and legislators, who lived in Sacramento only part of the week and for only a few months of the year, returning to their homes on weekends and between sessions, were more or less thrown on one another for after-hours companionship. But with year-long annual sessions, more and more lobbyists and legislators have brought their families to Sacramento, and with a family in town, "Sacramento-by-Night", such as it was, could never be the same.

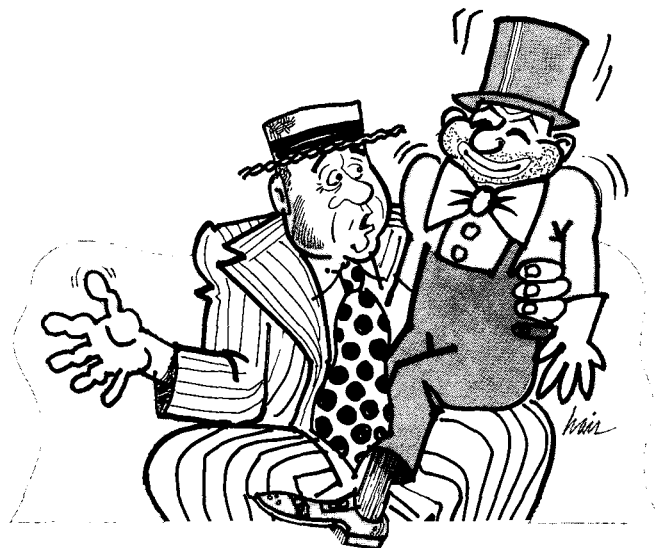
All of these developments have also brought important changes in the lobbyist's approach to his work. Legislators who are adequately paid and have their own staffs must be dealt with differently than the underpaid, understaffed legislators of only a decade ago. The new breed of advocate is one who trades more on reliable expert knowledge in his field than on blandishments and personal favors. With several outstanding exceptions, the most effective lobbyists have come to resemble in many ways the Legislature's own staff and to operate much like the staff.

For all the changes — and some observers maintain that they are essentially superficial changes — the word "lobbyist" still echoes the romantic note of illicit activity, a note that one lobbyist acknowledged laconically with the comment, "Let's just say that my mother wishes that I would practice law." This connotation has carried over from an earlier day, reinforced by charges of undue influence such as those leveled in Ralph Nader's 1971 report, *Land and Power in California*. Until 10 years ago, the California Constitution (Article IV, Section 35) stated, in fact, that "any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of *lobbying, which is hereby declared a felony . . .*" The italicized words were removed in 1962, but the pejorative connotation of lobbying lingers on. Today, the Government Code (Section 9906) defines a "legislative advocate" (the word "lobbyist" remains out of favor) as "any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat . . . or the approval or veto of any legislation," or anyone who raises funds to do so (Section 9901-03). Specifically excluded are volunteer lobbyists, news media owners and their personnel, persons who appear before legislative committees as expert witnesses, and church representatives protecting "the public right" to practice their church's doctrine.

Early influence

The fact that the Constitution used to equate lobbying with felonious conduct reflected the painful experience of the state's early days. So lavish was the lobbyists' largesse during the very first session of the Legislature in San Jose in 1850, that history recalls it as "the Legislature of a thousand drinks". Southern Pacific's domination of the state and control of the political structure brought with it underhanded and strong-armed lobbying that lasted through the end of the 19th century and into the beginning of the 20th.

When the Progressive Party reformers, headed by Governor Eiram W. Johnson, finally broke SP's hold, they also destroyed the state's party structure and left many legislators floundering without traditional sources of leadership. It took Arthur H. Samish, a high school dropout with a penchant for the adjective



"lovin'", to show how the absence of party discipline and party identification, which tended to favor incumbents, could be turned to a lobbyist's advantage. Samish found that although he couldn't control the vote to every legislator, he could nonetheless control the votes of a substantial bloc, "his" men, whom he kept bringing back to Sacramento with the campaign funds at his command. Samish's methods for maintaining his remarkable control over the Legislature first became known to the public in 1938 as a result of an investigation of legislative corruption commissioned by the Legislature in the wake of charges of bribery involving oil leases. The investigation soon turned up documented cases in which lawyer-legislators received substantial "legal fees" for doing legislative favors. In seeking the source of these legal fees, investigator H. R. Philbrick made inquiries among the lobbyists in Sacramento which eventually led him to Samish.

"As California's arch-lobbyist," Philbrick wrote in his report, "Mr. Samish represented all of the methods used in part or in full by members of his trade — campaign contributions to lawmakers with a lavish hand, fees to lawyer-legislators; cultivation of state departmental and legislative personnel with money or favors; knowledge of the mechanics of legislation and of the human frailties along the path." It was through the clever use of these methods, Philbrick said, that Samish was able to observe with considerable truth: "I'm the Governor of the Legislature. To hell with the Governor of the State!" But despite Philbrick's revelations and his recommendation that lobbyists be required to register and identify the interests they represented, Samish's operation continued to run on unhampered for more than a decade. It was not until publication of the *Collier's* articles in 1949 that the public indicated it had had enough, and Samish was eventually forced to flee to Mexico to escape possible federal prosecution for tax evasion.

Enactment of lobbyist reporting legislation in 1950 has resulted today in what one lobbyist calls "an annoyance" that still fails to reveal in a useful way who spends what on whom. The more than 600 "legislative advocates" who registered with the Joint Rules Committee for the 1972 session are required to file monthly reports with the committee listing all expenses exceeding \$25 and telling where the money was spent, but the resulting list of eating places and liquor stores is scarcely revealing, except perhaps as a guide to dining out in Sacramento. And the \$25 limit pro-

vides a nice loophole. "You eat a lot of \$24.98 lunches here," one lobbyist observed. Reports of illegal lobbying by unregistered advocates and of registered advocates who lobby unregistered accounts abound in the Capitol, but no charges have yet been filed, since enforcement depends on evidence provided by the legislators and lobbyists themselves.

So far, the legislators have been no more disposed than the lobbyists to see expense reporting requirements tightened. A staff suggestion that the Legislature publish a yearly report showing how much money

STUDENT LOBBYISTS WIN TAX LOOPHOLE

While one group of students, sponsored by Senator Mervyn M. Dymally, was busy during the 1972 session attempting to close several state tax loopholes ("Project Loophole"), another group was busy getting one of their own. Demonstrating how quickly they have learned, the University of California student lobby announced last month enactment of the first piece of legislation successfully sponsored by the students from introduction to signing — a tax exemption bill which will cost local governments an estimated \$30,000.

The new law exempts from local property taxes all personal property owned or used by the student government of the University of California. The principal beneficiaries will be the student-owned UC bookstores at Berkeley and Los Angeles, which are expected to save approximately \$15,000 per year each as a result of this latest form of tax "relief".

It should be pointed out, however, that the California State University and Colleges and the California Community Colleges have enjoyed an identical tax exemption for several years.

lobbyists admitted spending to influence legislation on various subjects was rejected out of hand. So the monthly reports are reproduced annually in raw form, of little help to those who would like to know more about how more than a million dollars is spent each session by the third house.

Campaign contributions

A similar game of hide-and-seek has been carried on with regard to campaign contributions. All contributions must be reported by the candidates, but only those exceeding \$500 need to be itemized along with the names of the contributors, and even these have been rendered meaningless by use of partial names, "trusts" (special bank accounts), and borrowed names to conceal the identity of the actual contributor. Since the election of Secretary of State Edmund G. Brown Jr. in 1970, however, a greater effort has been made to enforce reporting laws.

But not all lobbyists contribute to campaigns. Those representing public bodies — a growing number of lobbyists — are forbidden to do so by law. Others avoid it to the extent that they can because of the numbers of contributions required and the high cost of campaigning, which reduces a donation of even a few hundred dollars to little more than a gesture. These lobbyists nevertheless find it difficult to resist the pressure to buy tickets to the frequent testimonial dinners for legislators, a standard fund-raising device. Associ-

ations that represent substantial numbers of voters, like the California State Employees Association, organized labor, and the League of California Cities, however, often wield an influence that cannot be measured in dollars, especially in those areas where their members are concentrated in the largest numbers.

Richard Carpenter, longtime advocate for the League of California Cities, talked about this to the Western Political Science Association in April 1970. "The fact that the League does not contribute to campaigns does not mean we are unable to express our appreciation to helpful legislators," Carpenter said. "While we may not contribute money, we distribute literally thousands of pieces of mail favorably mentioning legislators who have supported League programs. We mention their names at scores of regional division meetings throughout the state, and we invite them to participate in statewide and other meetings where they have an opportunity for maximum and friendly exposure. While this is not the same as a campaign contribution, it frequently can be almost as helpful to a legislator in connection with his re-election."

Lobbyists and lobbyists

In the press and even in many scholarly works on state government, the terms "lobbyist" or "legislative advocate" are used to identify all of those who influence legislation for pay or on a regular basis as volunteers. It takes but little familiarity with the capitol, however, to discover that there are many varieties of lobbyist, including those who usually go by such titles as "director of external affairs", "executive director", or "legislative secretary". They range from Paul Gassaway of the Associated Students of the University of California, (see *California Journal*, November 1971, p. 306), Ruth Pritchard of the League of Women Voters, and Janet Adams of the California Coastal Alliance, to Francis M. McLaughlin of Los Angeles County, Gordon H. Winton Jr. of the Association of California School Administrators, and James D. Garibaldi, who represents the highway patrolmen, Hollywood Turf Club, and Leslie Salt Company, among others. One knowledgeable lobbyist estimates that about two-thirds of the registered lobbyists are salaried employees who have other corporate duties and responsibilities aside from lobbying and come to Sacramento only as required; another hundred or so work virtually fulltime in Sacramento for their firm or association; and about half as many are fulltime free-lancers, the so-called "contract lobbyists" who often manage a handful of separate accounts.

There are several different ways in which lobbyists



LOBBYIST REGULATIONS

The State Government Code requires all persons who accept money for the specific purpose of influencing legislation to register as legislative advocates with the Legislature. Section 9910 specifies the "obligations of the legislative advocate," violation of which may lead to suspension or revocation of the lobbyist's certificate of registration. The Joint Committee on Rules, which has enforcement responsibility, has outlined these obligations in its *Manual for Legislative Advocates*:

"1. Not to act as a legislative advocate unless registered, or accept compensation as such except on condition that he register forthwith.

"2. To abstain from purposely placing legislators under personal obligation to him or his employer.

"3. Never to attempt to deceive legislators as to material facts pertinent to legislation.

"4. Never to cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat.

"5. To abstain from soliciting employment on a basis other than his experience or knowledge in the field of activity of his employer.

"6. To abstain from attempting to create a fictitious appearance of public favor or disfavor as to legislation and from causing communications to be sent to legislators, the Lieutenant Governor, or the Governor in the name of a fictitious person or in the name of a real person except with the consent of such real person.

"7. With respect to legislation, not to encourage the activities of or deal with a legislative advocate whose registration has been suspended or revoked.

"8. Not to represent that he can control the vote or action of legislators or the approval or veto of legislation.

"9. Not to represent interests adverse to his employer nor represent employers having adverse interests.

"10. To retain for two years, papers and documents necessary to substantiate the financial reports required by this chapter."

can be categorized — based on their incomes, their interests or their methods, for example — but perhaps the most useful way is according to the interests they represent. At least eight such categories can be identified:

- *Single Private Interest Lobbyists* — Lobbyists who represent a single corporation, industry, or industry association and who usually are expert in the business or industry they represent.

- *Multiple Interest Lobbyists* — The contract or free-lance lobbyists who represent clients in a variety of fields on a fee basis and who ordinarily sell their services as expert lobbyists rather than as experts in the interests they represent.

- *Public Utilities Lobbyists* — Utility companies regulated by state agencies have unique legislative concerns stemming from their special relationships to government, and their advocates must combine

the expertise of the single-interest lobbyists with a detailed knowledge of the rate-setting agencies.

- *Association and Labor Union Lobbyists* — There are a substantial number of lobbyists who represent large statewide associations — teachers, state employees, voters, nurses, etc. — who generally have more of a background in the group they represent than in the techniques of influencing legislation, although this is not always true, particularly in the case of labor union lobbyists.

- *Local and Regional Government Lobbyists* — Advocates for cities, counties, associations of city and county officials, and such special-purpose bodies and regional agencies as public mass-transit districts, account for a growing proportion of the lobbying corps. (A recent analysis by Martin Salditch, capitol correspondent for the *Riverside Press-Enterprise*, indicated that about 70 of the more than 635 groups with registered lobbyists now fall in this category.)

- *State Agency Lobbyists* — Several state agencies are regularly represented before the Legislature by employees who have such titles as "legislative coordinator" "counsel", or "legislative secretary". These lobbyists are not required to register as legislative advocates.

- *Public Interest Lobbyists* — All lobbyists would like to be identified in this category, but it is intended to identify the growing number who represent organizations concerned with protection of the consumer, the environment, civil liberties, children, and the poor.

- *"Hobbyists"* — These are "advocates" who appear in the Joint Rules Committee's illustrated annual *Directory of Legislative Advocates and Organizations* only for whatever prestige or notoriety they presume the listing to confer. A bill has been introduced this year (AB 2119) to establish a \$25 registration fee to discourage such personal indulgence at state expense.

The role of lobbyists

Interestingly, the lobbyists themselves often do not recognize these distinctions. When they are competing for the attention of a legislator, presenting opposing cases before a legislative committee, or commiserating with one another late at night over the perversity of the average law-maker, they see their similarities rather than their differences; whoever their employers and whatever tactics they employ, lobbyists see themselves as essential ingredients in the democratic process, communicators of their employers' or clients' concerns to the legislature and administrative agencies.

"Communication is the basic commodity around here," says one salaried lobbyist. "The biggest problem is getting an opportunity to communicate with a legislator. It is increasingly hard to find them in their offices, because they are at hearings while the lobbyist is at other hearings, or the legislators are, as they will be this fall, back home campaigning. So you try to get a few minutes in a hallway or at a dinner or luncheon — grabbing a sandwich at Mac's, even, because you're both in a hurry. The problem is finding time to make one's concerns known so that they can be dealt with."

Self-serving as it may be, the information that they provide is essential to the legislative process and can

help protect the general public against capricious or faulty legislation. Professor Frank Newman of the University of California School of Law in Berkeley emphasized this view in testimony several years ago before a legislative committee. "I think," he said, "we would have a healthier government if we had more lobbyists and more groups of our citizens were represented in Sacramento, and I think it's been very healthy in the last decade that we do have more people up here representing more groups." Similarly, Ralph Nader, in his report on the politics of California land use, argued not for fewer lobbyists for the special interests but for more lobbyists for what he saw as the public interest and more independent staff for the legislators. "The government couldn't possibly function without the inputs provided by skilled advocacy of special interests, be they industrial or otherwise," the report says. It goes on to propose "a state-financed voucher system for lobbying" under which "every citizen of voting age would receive a voucher which he could dedicate to any cause he chose. The recipient of the voucher would redeem it for cash at the State Treasury in order to finance its lobbying activities."

Insidious effect of friendship

Whatever the merits of such a scheme, the legitimacy of legislative advocacy is largely undisputed, and few who have examined the situation closely in recent years actually believe that the days of Artie Samish are not dead forever. This does not mean, however, that lobbyists do not play an important part in deciding what legislation will pass and what legislation will be defeated each session. Lobbyists represent voters, potential campaign contributions, and the possibility for good or bad publicity. And they also represent friendship. Former Senator Alvin C. Weingand emphasized this last fact in a 1963 Senate subcommittee report on lobbying:

"I suspect that the public and the journalist give too much credence to reports of money and favors being passed, and too little to the insidious effects of friendship between lobbyist and legislator long cemented and deeply cherished. It often comes down to this: 'I will not accept a bribe; food and drink from special interests will not sway me. But, hell, this lobbyist is my friend, and I generally agree with him anyway, so of course I will vote for him.'"

The lobbyist friend may be a representative of liquor distributors, rural subdivision developers, or the oil industry, but he or she may just as well be a representative of public school teachers, a conservation organization, or the University of California. But in any case, the way in which the lobbyist goes about his work is largely a reflection of the way in which the Legislature itself and its individual members go about their work. Thus, most legislators would agree with Weingand's assessment of the average lobbyist as "a decent, conscientious, perhaps over-eager person, doing his job the best way he knows how and holding to moral scruples as high as society's generally".

"Mr. Legislature" is a far different creature today than the poor puppet that Artie Samish held up to public ridicule 23 years ago. Yet for all that, it is impossible to shake the feeling that there may be much more than meets the eye, that one would like very much to hear those stories the lobbyist said he couldn't tell. 🐱

It Was Said...

"Personally speaking, I have more respect for the principled man of the left — and the fairest of them, I believe, have more respect for the principled man of the right — than either of us has for the politician stuck in the mud of the 'soggy center'. Left and right at least give people a choice, which is what our kind of government is supposed to be for."

... by Congressman John G. Schmitz writing in the Los Angeles Times, following his defeat in the June primary.

"Public education is slowly but progressively approaching a dramatic demise. The public can no longer be allowed the responsibility for the education of their children. Their concern over cost has been a debilitating factor standing in the way of progress for many years."

... by Larry Liebers, principal of Vail Continuation High School, writing in the Los Angeles Times.

"We've got a Legislature that's not just annual, it's perennial. We don't have any interim sessions anymore. We don't have any off season during which this magnificent staff and these full-time paid legislators can sit down and maturely and calmly and at great distance discuss some vast subject of public policy, because we have a session that runs almost all year, at this point, and ... actually we're suffering from an excess of our own virtues."

... by Glenn Paschall, Assistant Deputy Controller and member of the Council on Intergovernmental Relations, in a seminar on regional government sponsored by CIR.

"If the vocal minority which professes such a viable concern with the North Coast that they are willing to devote time, and money, and thought, and effort, to saving the North Coast rivers really cared about the North Coast, it would seem to me they could turn all that valuable energy into concern for the people of the North Coast. I love rivers as well as anyone, but I am never going to choose the uncontrolled streamflow of a river above the life of a human being."

... by William R. Gianelli, Director of the State Department of Water Resources, in a speech to the El River Water Council.

"It is time that foreign languages take their place among the various disciplines within the curriculum. The feeling that foreign language instruction is an esoteric frill or that instruction in foreign language should be provided only for an elite few can no longer be tolerated. Only by a sound program can we eliminate the intellectual provincialism of American life and move from a predominately monolingual to a multilingual society."

... by Superintendent of Public Instruction Wilson C. Riles, writing in the March issue of School and Society.

Regional Government Proponents Seek to Move State Off "Dead Level Plateau"

"The trouble with local government is it's too big to do little things and too little to do the big things" observed Georgia state legislator Gerald Horton at a seminar on local government reform in Monterey last April. And, Horton went on to say, if those who want regional organization as a way of dealing with the big things are going to do anything about it, they "had better learn the care and feeding of the American politician."

The message was not lost on the assembled representatives of California's regional associations. They had been brought together with a number of out-of-state experts under the auspices of the California Council on Intergovernmental Relations for what CIR executive secretary James A. R. Johnson had promised would be an open discussion of "revolutionary ways of improving and reorganizing local government in the United States." For once, the Californians found that they were the ones who had come to learn — not about revolution, of course, but about how to move from the mere desire to create some form of effective regional coordination for the multitude of local governments in each of the state's metropolitan areas to the actual establishment of working regional units such as those already set up in Massachusetts, Virginia, Utah, Oregon, Kentucky, and Georgia.

Course of least resistance

As many political scientists, conservationists, legislators, and harried local officials have pointed out, California's development over the last three decades has epitomized what has come to be known as urban sprawl. According to John Goldbach of San Fernando Valley State University, who has studied the matter for the Institute of Governmental Affairs at UC Davis, there are "probably more examples of urban sprawl and metropolitan fragmentation in California than in any other state." "Traditionally," says Goldbach, "state laws and community practices in the formation and alteration of local governmental boundaries and jurisdictions have followed the course of least resistance. What a majority of local people desire, they can get. Thus in suburban areas it has been easier to incorporate new cities and form special districts than to expand the boundaries of existing cities through annexation or to form regional governments." The effect has been to satisfy subdivision developers and "home rule" advocates at the expense of dealing effectively with governmental problems which cross city and county boundaries.

The contrast between the current state of regional government and what its proponents would like to see

it become is perhaps best illustrated in the California Tomorrow Plan drawn up under the supervision of Alfred Heller, president of California Tomorrow. In California One, "the kind of California that will surely come to pass if present methods of problem solving are continued," regional government "is characterized by proliferating single-purpose agencies. Tentative moves toward unified administration are ineffectual. In all major metropolitan regions there are ever-growing numbers of separate, single-purpose bureaucracies with major regional responsibilities, such as air quality, waste disposal, open space, parks, transportation [etc.] . . . The boards making policy in these bureaucracies are often appointive and immune to effective citizen control." But in California Two, which is intended as a model of what can be done to develop "a sure framework for building a beautiful and productive California," things are much different. "In California Two, the Legislature establishes governments for ten regions in the state . . . and assigns them responsibility and authority for preparing and carrying out comprehensive regional plans. Each region has an elected legislative body, half of which is elected regionwide by a system of proportional representation. The other half is elected from individual districts within the region. The regional executive branch is directed by the regional legislature . . . [and] is responsible for preparing the regional plan and budget, within the guidelines of the state plan and budget, and for implementing a regional conservation and development program, based on its plan . . . The regions provide democratic control, where it did not exist before, over regional issues such as housing, transportation, open space, waste disposal, and social welfare . . . Regional government in California Two is . . . the vehicle by which the public not only devises practical, long-term solutions to major problems, but also gets the needed jobs done and paid for in a reasonable length of time."

Regional planning laws

Most of what passes for regional government in California today is based upon the Joint Exercise of Powers Act of 1921. That act permits local government (cities and counties) to cooperate in carrying out common functions through the creation of joint powers agencies. The popularity of such agencies among local officials is due in part to their flexibility — a joint powers agency may exercise all the powers and duties of its constituent local governments, or it may be limited to a single purpose, and it may determine for itself how long it is to exist — but probably more important is the fact that each local government retains its full powers

within its jurisdiction. The joint powers agency works through existing local government and has no powers of its own.

The Joint Exercise of Powers Act has been the principal basis for the formation of the several "councils of government" which have been established to date: the Association of Bay Area Governments (ABAG) and the Southern California Association of Governments (SCAG) being the outstanding examples. Although these agencies have other powers derived from later legislation, their basic voluntary, cooperative character comes from the 1921 law. Efforts to establish multi-jurisdictional agencies that have powers apart from those of the local governments they encompass have been vigorously opposed, until recently, by the League of California Cities and the County Supervisors Association of California, as well as by the individual local governments.

During the period from 1921 to 1959, there were numerous efforts by the Legislature to encourage regional planning and effective regional administration, but these efforts met with little success. The Planning Act of 1929 authorized the creation of regional planning districts and regional planning commissions, but no such districts or commissions were formed. Eight years later the act was amended to require the State Planning Board to divide the state into regional planning districts to carry out coordinated regional planning, but again nothing was done. Subsequent planning legislation in 1947 and 1951 was equally ineffectual.

In 1953, however, legislation was passed which authorized the creation of Area Planning Commissions to be formed by the governing bodies of jurisdictions which form a contiguous area. These commissions, which have been set up in several areas, are advisory to the cities and counties which form them, and their members are appointed by the local legislative bodies. Their primary function is the preparation of long-range general plans for the physical development of the area. A six-county Sacramento Regional Area Planning Commission was set up under this legislation in 1965, and single-county planning commissions have been established more recently in Kern, San Joaquin, Santa Cruz, and Shasta counties.

Repeated efforts from 1957 to the present to encourage regional planning throughout the state have been as unsuccessful as earlier efforts were. The 1957 District Planning Law, which authorized the formation of multi-county agencies with specific powers and duties defined by the state, has never been used. The Regional Planning District Law of 1963 has had a similar fate. The only legislation which has been at all successful to date has been the special legislation that created the Tahoe Regional Planning Agency in 1968 and the Bay Conservation and Development Commission in 1969.

ABAG

Because interest in the development of regional government appears to be greatest in the San Francisco Bay Area, it may be useful to take a closer look at what has occurred there. The Association of Bay Area Governments was formed in 1961 to provide a vehicle for the development of regional planning for the nine bay area counties and to head off growing pressure for the creation of new single-purpose regional authorities in the fields of transportation, fire protection, and con-

servation. In January of 1961, 42 cities and five counties signed a joint powers agreement setting up ABAG for the rather limited purpose of providing "a forum for discussion and study of metropolitan area problems of mutual interest and concern to the counties and cities of the San Francisco Bay Area and for development of policy and action recommendations." As a joint powers agency, it has no power to take any action which is binding on its members. Over the past decade, however, ABAG's role has grown significantly, largely as a consequence of the fact that it serves as the regional planning agency responsible for the distribution of federal funds for regional programs in housing, law enforcement, recreation, and pollution control.

ABAG is governed by a General Assembly to which every member city and county appoints one of its elected officials. Each member has one vote in this assembly, which meets several times each year. Thirty-four members of the assembly serve as an executive committee. In addition, ABAG has a permanent staff of planners and administrators headquartered in Berkeley.

Legislative encouragement

The association has taken an active role in the preparation of regional plans dealing with such matters as land use, open space and recreation facilities, transportation, refuse disposal, and shoreline development. Its existence has not, however, precluded the development of other state-directed regional agencies such as the Bay Area Transportation Study Commission (1963), the Bay Conservation and Development Commission (1965), and the Bay-Delta Water Quality Control Commission (1965). These agencies have been established by the Legislature largely in response to charges that ABAG is controlled by local officials with local rather than regional interests. In 1966 and 1969, there were efforts to expand the powers of the ABAG as a "regional home rule agency" with tax and bond authority, but counterpressure, centered in the Legislature, to create a new, directly-elected regional governing body produced a stalemate that has so far blocked any further development.

In 1970 and again in 1971, Assemblyman John Knox of Alameda County came close to gaining legislative approval of a directly-elected Conservation and Development Agency which would have responsibility for all environmental protection planning in the nine-county area, including authority to block adverse actions by other local agencies. The new agency was intended to replace the Bay Conservation and Development Commission and take over many of the planning functions of ABAG, as well. The plan was defeated in the Senate both years, however, and was not reintroduced this year. Thus, regional government in the bay area remains largely where it was in 1965 — with the important exception of the growth in its responsibility as a "clearinghouse" for federal grant programs in housing, law enforcement, urban development, and other fields.

Much of the nationwide impetus behind the development of regional government has come from the federal government, which, since enactment of the Housing Act of 1954, has sought to encourage regional planning for the expenditure of federal grant funds. In 1960, the Department of Commerce and the Housing and Home Finance Administration agreed that highway and urban planning funds would be made available jointly for comprehensive planning related to urban freeway

construction. Then, the federal Highway Act of 1962 was enacted containing a provision requiring areas of more than 50,000 population to establish continuing transportation planning by state and local agencies in order to be eligible for federal highway aid. This requirement was a major factor in the formation of what became the San Diego County Comprehensive Planning Organization, a county-wide organization recognized by the state and federal governments as the planning agency for the area. In 1965, the Department of Housing and Urban Development was established to deal with a wide range of programs, including housing, grants for water and sewer facilities, advance public land acquisition, and area-wide open space planning, all on a metropolitan or regional basis wherever possible. In addition,

whereas there were only 3,100 counties. As a consequence, the federal Office of Management and Budget issued a directive in October 1971, stating that federal program administrators for 10 major federal programs should make every effort to use the planning districts designated by the individual states rather than their own planning areas. At present, at least 40 states have designated such planning areas, and in several states a high percentage of the federal programs have been aligned with the state planning districts. In California, the federal government has established 10 local clearing houses, of which five are the multi-county councils of governments or conform to state planning district boundaries, four are single county clearinghouses, and one is the bistate Tahoe Regional Planning Agency. A recent survey has indicated, however, that only about 12 percent of all federal program areas for the 10 major programs are aligned with state planning regions.

Council on Intergovernmental Relations

The state agency which now has primary responsibility for furthering regional planning and local intergovernmental cooperation is the Council on Intergovernmental Relations. The CIR is an outgrowth of the Coordinating Council on Urban Policy, formed in 1963 to encourage state and local cooperation in meeting urban growth problems. This body was reestablished in 1965 as the Intergovernmental Council on Urban Growth, acquiring a much stronger local government orientation. The council backed voluntary association of local governments according to the council of governments pattern and worked with existing local interests on the problem of intergovernmental cooperation. In 1968, Governor Reagan changed the council's name to the Council on Intergovernmental Relations, placed it under the Lieutenant Governor, and gave it all the functions of local planning assistance previously carried out by the State Office of Planning. Among these functions are those of drawing the boundaries of the principal regions of the state and promoting their acceptance by state and local agencies.

The council, which has recently been transferred from the Lieutenant Governor's office back to the Governor's Office, is composed of 22 members, 18 of whom represent cities, counties, school districts, special districts, regional agencies, and the state, and four of whom represent the general public. (The chairmen of the Senate and Assembly Committees on Local Government also serve as nonvoting members.) This membership obviously gives the council a strong "home rule" bias. As evidence of its position on the key question of representation on regional governing boards, the council in 1969 opposed the creation of the Bay Area Regional Organization proposed by Assemblyman John Knox, backing instead the councils-of-government approach typified by ABAG.

The CIR's current policy guidelines, adopted in September 1971, state that regional organizations should be based on county lines and that their governing bodies are to be composed "primarily of local elected officials and secondarily of appropriate representation of the State and federal governments." The functions of such organizations, according to the CIR, are to serve as an "umbrella" agency for all other agencies established within the region to deal with regional problems, to coordinate state programs which operate on a regional basis, and to act as the regional agency for the administration of federal programs. These guidelines



tion, the federal housing act was amended to authorize federal grants to regional councils of government, such as the San Diego agency and the Association of Bay Area Governments, to stimulate the development of such organizations and similar regional planning commissions.

During this same period, there were a number of federal actions to encourage regional planning and program administration in rural areas, particularly in the field of economic development. As the number of federal grant programs multiplied during the sixties, several federal agencies sought to reduce the number of local jurisdictions and planning districts with which they had to deal. Especially in rural areas, there was growing pressure on the states to establish regional organizations to combine the territory of several counties. This effort met with limited success however; a survey conducted in 1971 indicated that there were then some 3,250 federal program areas throughout the country,

also call upon the state to "officially recognize and support regional intergovernmental agencies" and to use the regional divisions established by CIR in the planning and administration of state programs.

The CIR would like to have sole authority to approve the establishment or change of regional boundaries used by state agencies, but by its own testimony it is far from exercising such authority at present. Although the CIR is charged by law with the establishment of statewide regional planning districts, it is not the only state agency to have an interest in doing so. According to a survey that the CIR conducted in 1971, there are approximately 100 different sets of regional boundaries employed by various state agencies, including 10 sets of regional boundaries authorized or established by law (e.g., Water Quality Control Board Regions, State Board of Equalization Districts, and the planning areas of the State Office of Comprehensive Planning).

Nevertheless, the council is trying hard to have its own set of regional boundaries (see map), adopted last December following a series of public hearings, accepted for use by other state agencies. To do so will require, at a minimum, the sort of interdepartmental coordination that can only be accomplished with strong backing from the Governor and the Legislature, if at all. At present, however, regionalists believe that the administration is cool to the concept of regionalism in nearly any form, and it appears unlikely that the CIR will make much headway in this regard in the near future.

Proponents of regional government are acutely aware of the fact that there is no large constituency for a form of government that doesn't yet exist. In some other states this has not been a serious obstacle; the governors and legislators have worked together to pass supportive legislation and to redirect the administration of state and federal programs in a manner designed to strongly encourage regionalization without waiting for a popular mandate. In California, however, this has not been possible, not only because of opposition in the Reagan administration and the Legislature, and from the conservative California Republican Assembly, which is bitterly opposed to any form of regional government, but more importantly because of long-standing opposition from the League of California Cities and the County Supervisors Association of California, the powerful spokesmen for city and county officials throughout the state.

Change of views

For many years the League of California Cities opposed anything that looked at all like a step toward metropolitan or regional government. The League openly stated that special districts that could be controlled by city officials were the only agencies to be trusted to deal with regional problems. In recent years, however, the League's position has changed considerably. In January of 1971, the League formally adopted a policy statement calling for legislation to create regional organizations throughout the state. These organizations, according to the League's policy statement, should serve as "umbrella" organizations for all other regional agencies, operating with "limited powers and functions with reference to the operation of regional services" and with "such regulatory and taxing powers as necessary to carry out the regional functions." Significantly, the

governing bodies of such organizations "shall be composed entirely of city and county elected officials." (Even this was too much for the Los Angeles City Council, however, which promptly went on record opposing the League's policy.)

The County Supervisors Association of California, another longtime opponent of regional government, has also moved somewhat closer to accommodation, but evidently with great reluctance. Noting that several "regional government approaches" to environmental control had been proposed during the 1971 session of the Legislature, the association, meeting in October 1971, adopted a resolution stating that "when it is necessary to form regional organizations to solve problems of a regional nature . . . it is in the best interest of the people of California to compose the governing body of such regional organizations entirely of locally elected officials from units of general-purpose governments — thus assuring local responsiveness and public visibility and avoiding the needless superimposition of a new level of government."

Outlook

Despite these few favorable signs, the proponents of multi-purpose regional organizations do not appear optimistic that they will soon surmount the major obstacles in the path toward more effective regional government in this state. Proposed legislation to create multi-purpose regional agencies has been defeated regularly in the Legislature in the past few years. Special districts, on the other hand, continue to flourish. "One of the things that has happened in California as a result of the reforming of the Legislature, which we all thought was a good thing, going to annual sessions," UC Berkeley Professor Victor Jones told the Monterey seminar, "is now we've got a new special district every year, instead of biennially, in the Bay Area. And I see no lessening of the push in that direction."

The immediate goal of many regionalists is the authority to create "moderately financed regional umbrella agencies" to give more order and coherence to metropolitan government. To achieve this objective, they believe they need a basic policy decision on the part of the federal and state governments to foster regional planning and administration. But there is considerable evidence that the proponents of regionalism are themselves divided as to what form regional government should eventually take and, indeed, whether it is possible to agree on a basic statewide framework. Some say the new regional bodies should not be decision-making bodies but agencies for compulsory arbitration of the conflicting needs of local government. Others feel such agencies would be much too passive and that to be effective, regional government must indeed be a new level of government. Until this conflict is resolved, it is likely that the regionalism issue in California will remain on dead center. ■

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People v. Sharp:

A Look Behind the Court's Blue Velvet Curtain

BY WINIFRED L. HEPPERLE

The courtroom of the Supreme Court of California is located on the fourth floor of the State Building in San Francisco. The room is entered through a tunnel-like passage guarded by a uniformed state police officer who politely inspects briefcases and handbags of visitors and then gives them a seating diagram for the court. The courtroom itself is a windowless half-circle with a high-domed ceiling. The walls that form the circumference of the half-circle are padded with soft, mellow leather, broken only by a large clock, hung high and center. Light comes unobtrusively from a cove at the edge of the ceiling. Three rows of spectators' seats, encircled by a knee-high walnut railing, follow the long curve of the room. Across the single straight wall is a long, solid table or bench about three feet in height. Behind the bench are seven blue upholstered chairs, and behind the chairs hangs a ceiling-to-floor curtain of blue velvet. In front of the bench, in the open area between it and the spectators' seats, there is a long semi-circular table with a speaker's rostrum in the middle and several chairs on either side.

The chart which the guard hands each visitor shows the seating of the court's seven justices behind the bench. In the center sits Chief Justice Donald R. Wright, 65, who was elevated from the Court of Appeal to the Supreme Court in May 1970 by Governor Ronald Reagan. Wright, so far Reagan's only appointee, previously sat on the Municipal and Superior Courts in Los Angeles County, and served as presiding judge of each. Following the traditional seating system, to either side of the Chief Justice are the two justices with the greatest seniority. To Wright's right is Justice Marshall F. McComb, who at 78 is well beyond the usual retirement age and is generally regarded as the most conservative member of the court. McComb, appointed by Governor Goodwin Knight in 1956, has often found himself to be the lone dissenter to the court's majority decisions. To the left of the Chief Justice, appropriately enough, sits another frequent dissenter, Justice Raymond E. Peters, 69, who is acknowledged to be the court's most liberal member. Justice Peters, who enlivens many court sessions with his sharp and witty questioning of the attorneys who come before the court, at one time served as chief law clerk to the Supreme Court, a position that he held for nine years. He later served 20 years on the Court of Appeal before his appointment to the Supreme Court in 1959 by Governor Edmund G. Brown.

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To the right of Justice McComb sits Justice Mathew O. Tobriner, a former labor and trial lawyer, who is third in seniority, having been appointed in 1962 by Governor Brown. Seated to the left of Justice Peters is Justice Stanley Mosk, 60, appointed by Brown in 1964 following six years as California's Attorney General. The end chair on the right is occupied by Justice Louis H. Burke, 67, once a city attorney and subsequently a state trial and appellate court judge. The end chair on the left is occupied by Justice Raymond L. Sullivan, 65, a San Francisco business lawyer who served for a period on the Court of Appeal before being elevated to the Supreme Court. Burke and Sullivan, like Peters, Tobriner and Mosk, are Brown appointees, Burke having been appointed in 1964 and Sullivan in 1966.

People v. Sharp

The court devotes the mornings of one week each month, except July and August, to hearing oral arguments in the cases it has accepted for review. Each year, four of these week-long sessions are held in San Francisco, four are held in Los Angeles, and two in Sacramento. This year's calendar for oral arguments began on the morning of January 5th with the court meeting in its alternate courtroom in Los Angeles. At nine o'clock on that first morning, a handful of spectators had appeared, along with several newsmen, a few clerks, and a number of attorneys who grouped in muted conversation in front of the spectators' seats. A court clerk moved about, readying the courtroom for the coming session, adjusting the microphone at the rostrum, and consulting a packet of papers he had brought with him. At precisely 9:30 a.m., the bailiff broke the quiet with the traditional "All rise, please", and in through a side door filed the seven justices in their black robes. "Court is now in session," the bailiff intoned, and then took his seat at one end of the semi-circular table in the middle of the room.

Chief Justice Wright immediately called *People v. Sharp*, the first of four criminal cases scheduled for oral argument that morning, and the attorneys moved to the center table. Representing Jerome Sharp, the defendant and now the appellant, was attorney Richard H. Levin, appointed by the Supreme Court to represent Sharp on appeal. Although it was the California Attorney General who had requested the hearing by the Supreme Court, Levin's client was still the appellant, as it was he who filed the original appeal from the trial court ruling. Representing the people of California, the respondents in this case, were two members of the Attorney General's staff, William E. James and Ellen B. Friedman, but only Friedman was present that morn-

ing. Each side had 30 minutes to present its case; the appellant, however, had the choice of using all his time at once or reserving a part of it for rebuttal, as Levin chose to do.

At an almost imperceptible nod from the Chief Justice, attorney Levin took his notes to the rostrum and began speaking. The defendant, Jerome Sharp, had been charged with grand theft in Los Angeles, Levin told the court. The trial court judge had appointed a member of the Los Angeles County Public Defender's staff to represent him. Sharp pleaded not guilty, and then asked the court to be allowed to proceed *pro se*; that is, to act as his own defense attorney. In questioning Sharp as to his qualifications to do so, Judge John A. Arguelles of the Los Angeles Superior Court learned that Sharp, who was then 48 years old, had only an eleventh grade education and, although he claimed to have read some law books, had never before represented himself in a felony case. Based upon this evidence, Levin said, the judge wrongly concluded that Sharp was unable to defend himself competently. Sharp, said Levin, was competent to defend himself and had a constitutional right to do so. At this point Justice Burke interrupted to ask Levin if he meant that a defendant has the right to decide for himself whether or not he is to have a lawyer or if he meant that the defendant, Sharp, had shown himself to be capable of providing his own defense. "Both," replied Levin. "The California Constitution, as I read it, states that a criminal defendant is entitled to appear and defend, with counsel, so he may also choose to appear and defend, without counsel."

During the course of the trial, Levin went on to explain, it was brought out that a Mrs. Zastrow, a tenant in the apartment building in which Sharp resided, had agreed to let him take two of her diamond rings to be cleaned by a jeweler friend of his. When the rings were returned, according to Mrs. Zastrow, they looked different, and an appraisal showed the stones to be not diamonds but white spinels, "cheap as glass". Sharp was convicted of grand theft by the court and sentenced to state prison. Sharp then appealed to the Court of Appeal, contending that he probably would have won acquittal had he been allowed to defend himself. The Court of Appeal agreed and directed the case back for a new trial with orders that Sharp be permitted to act as his own attorney.

The state's argument

When Levin had concluded his opening argument, Deputy Attorney General Friedman took her place at the rostrum to present the state's argument. It was the state's contention, said Friedman, that the Court of Appeal was wrong in reversing the trial court's decision and wrong in directing that Sharp should be permitted to defend himself. The trial court had been correct in finding Sharp unqualified. Moreover, she said, when a criminal defendant, unschooled in the law, is permitted to defend himself, he is given a "heads I win, tails you lose" advantage. If he is acquitted, he of course wins; and if he is convicted, he has strong ground for appeal on the basis that he was not adequately defended.

Friedman went on to argue that the California Constitution does not guarantee an accused person the right to defend himself. Article 1, Section 13, of the California Constitution states that an accused person

has the right "to appear and defend, in person and with counsel," she said. But, she went on, if the framers of the Constitution had intended to allow the accused a choice, the language would have included the word "or", so as to permit defense "in person or with counsel."

In his rebuttal, Levin told the court that Sharp acknowledged himself to be unschooled in the law but had simply wanted to question some of the witnesses at the trial and would not have objected to having an attorney present to advise him. Referring to other court decisions in similar cases, Levin argued that the trial court judge had not made a thorough study of Sharp's ability to defend himself and that such a study would have revealed that Sharp was, in fact, capable of deciding whether or not he needed a lawyer. Thus, said Levin, the Court of Appeal had ruled correctly.

Petition for hearing

This concluded the oral argument in *People v. Sharp*, and Chief Justice Wright thanked the counsel for their statements and called the next case. There had been no sign or hint of the response of the seven justices to the arguments or the decision they might make in the case, but this did not mean that they were unfamiliar with the facts of the case or the legal problems it presented. On the contrary, from the moment the case was officially filed up to the day of oral argument, it had gone through a very detailed and careful review by the court's officers and staff.

The whole process began when Gale E. Bishel, Clerk of the Supreme Court, stamped the date, April 22, 1971, on the Attorney General's Petition for Hearing, the legal document used to request a hearing by the Supreme Court. After examining the petition to see that it was complete and that it had been submitted within the filing deadline, the clerk sent a request to the Court of Appeal for the records of the case, including the briefs of the attorneys on both sides. In the meantime, Sharp's attorney had filed his answer to the petition, and the two documents were placed together in a large cardboard container, called, with remarkable aptness, the "box". (Each case has its own box containing all the documents relevant to that case.)

The California Supreme Court hears those cases in which a decision is necessary "to settle important questions of law" or in which there are conflicting decisions by the appellate courts. (Until recently the court was required also to hear all cases in which the death penalty was imposed, but that responsibility ended when the state court and the U.S. Supreme Court declared that penalty unconstitutional. The court has 60 days after the Court of Appeal decision in which to accept or reject a petition for hearing. To meet this deadline, petitions and writs ordinarily are assigned for review to individual justices in rotation. The justices, in turn, rely heavily upon their staff of research attorneys, or "law clerks", three of whom are assigned to each justice. Criminal cases, however, are handled by a special group of attorneys directly responsible to the Chief Justice, and it was to one of these attorneys that *Sharp* was initially assigned. At this point it was learned that a second case involving the same question had been decided differently by another Court of Appeal, thus almost assuring a decision by the Supreme Court to hear both cases, and the court ordered the sec-

ond case to be transferred to it for decision along with *Sharp*.

Weekly conference

In the following weeks, the attorney who had been assigned the case prepared a case digest, called a "conference memo", summarizing the facts brought out in the original trial, the trial court's decision, and the legal issues involved, and containing a preliminary recommendation that the case be heard. After making a few minor changes, the Chief Justice approved the memo, and a copy was distributed to each of the other six justices, together with a set of the related documents. As the 60-day deadline approached, the clerk placed the case on the court's weekly conference calendar along with more than 50 other petitions and writs then pending before the court.

The weekly conference is held every Wednesday morning throughout the year in private in the chambers of the Chief Justice. No court reporter or secretary is present, and no one else is allowed to enter without special invitation. In the conference, each petition is considered separately, and the justice who is responsible for the conference memo usually begins the discussion by giving an oral report on the case. Then each of the other justices is called upon to express his views and to vote for or against a court hearing for the case. "Despite the short . . . time limits and the burden of the work," Justice Peters has observed, "all the justices, to my continued amazement, come to the conference well informed about each petition. The interchange of ideas is free and lively, sometimes even spirited. The final action taken is the informed action of all seven justices."

If four or more justices vote to accept a case for hearing, a granting order is signed by them. Otherwise the Chief Justice makes a simple notation of "deny" on his conference calendar, and later personally informs the clerk of the court's action, which is then made public. When *People v. Sharp* was accepted for hearing, an action which automatically nullified the Court of Appeal's ruling, the clerk immediately notified the attorneys for each side. Because of the complexity of the case, Sharp's attorney was permitted to file a supplemental brief. Such a brief, according to the court's rules, must contain a statement of the case "setting forth concisely, but as fully as necessary" the nature of the proceeding, the relief sought, a summary of the facts, and the ruling of the trial court. Depending on the complexity of the case, and the verbosity of the attorney, a brief can run from a single page to 50 pages or more. Although *Sharp* was originally scheduled for hearing in October 1971, it was put over to January 1972.

When all the documents had been filed, but still long before the hearing date, the court prepared itself to hear the oral arguments. Ordinarily, after a case has been granted a hearing but several months before it is to be heard, the Chief Justice assigns it to a justice who prepares what is called a "calendar memo". These memos, which range in length from 20 to more than 100 pages, are to present an objective and comprehensive analysis of the facts and the law of each case, and recommend affirmance or reversal. They are distributed to each justice 20 days before oral arguments are heard, together with the earlier conference memo and the Court of Appeal opinion, if any. Chief Justice Wright

assigned himself the *Sharp* case, and, working closely with his law clerk, drafted the calendar memo which he then distributed.

Immediately after hearing the oral arguments in the *Sharp* case and three others on the morning of January 5th, the justices held their usual conference to take a tentative vote on each case and to assign responsibility for drafting the majority opinions. If the author of the calendar memo is among the majority, it is he who is assigned the writing of the opinion. The tentative conference vote on *Sharp* indicated that the Chief Justice had a majority for his recommended decision, and so it was his duty to draft the opinion. After considerable research by his law clerks, and the writing, rewriting, and editing which is often required for an important decision, the Chief Justice eventually was satisfied with his work and circulated it among the six other justices. They then had the choice of either signing the opinion, suggesting revisions, calling for a conference to discuss it further, or preparing a dissent.

In the course of the review of the Chief Justice's draft, several justices who were not yet persuaded to its conclusion suggested deletion of language they felt went beyond the requirements of the decision, and also proposed additional language to clarify and modify the court's position. Eventually, however, all important differences were resolved, and the opinion was signed by all seven justices. On July 7, 1972, six months after the case was heard, the court filed a unanimous decision in *People v. Sharp* affirming the trial court's decision and reversing the ruling of the Court of Appeal. Jerome Sharp was not to be given a new trial in which he could act as his own defense attorney.

Precedents divided

In coming to its decision, the court had examined both the U.S. Constitution (Sixth Amendment) and the California Constitution (Article I, Section 13) to determine whether those provisions that guarantee a defendant the right to counsel also can be construed to guarantee him the right to represent himself without benefit of counsel. The court found the federal precedents to be divided on the issue and decided that the social and judicial changes which have occurred since the adoption of the federal Constitution require a greater, rather than lesser, limitation of the right of self-representation. As to the state constitution, the court found that "by no rational reading" of that document could the words be construed as the appellant contended.

"We do not purport," said the Supreme Court, "to hold herein that an accused is not entitled to represent himself in a proper case, but only that such a right is not a constitutionally protected one."

"The [trial] court did not abuse its discretion in denying the motion to defend *pro se*, but even assuming such an abuse, we find that such an error clearly could not have resulted in a miscarriage of justice. On a review of the entire record, it does not appear reasonably probable that a result more favorable to defendant would have been reached had he represented himself."

On August 7th, 30 days after the decision was filed and 16 months after attorney Richard Levin had filed the petition for a hearing, the decision became final and was published in the official reports of the Supreme Court of California with the citation 7 Cal. 3d 448. 📖

A Country Fair By Any Other Name, Cal Expo Fails to Fulfill Promise

Memories of an old dream of showing off the best of California for fun and profit will once more be stirred when the 120-year-old State Fair opens its 14-day run at Cal Expo on August 25th. In its fifth year at the \$30 million fairgrounds north of downtown Sacramento, the exposition is a pale image of the year-round "California Showcase" envisioned by Cal Expo's planners and proclaimed by one of its most avid backers, former Governor Edmund G. Brown.

The dream began to dissolve even before ground was broken at the new site on the banks of the American River in 1967. The original master plan for the Cal Expo grounds was never completed, and what has been constructed stands as a mockery of what was to be. There was never any solid evidence that Cal Expo could have become the long-running, crowd-drawing festival its backers promised, but when the original plans were abandoned, it became all too obvious that Cal Expo was destined to become a fiscal albatross for the state. From the day that it opened in 1968, Cal Expo has failed to be anything more than the old State

Fair on a new site, carrying on the earlier tradition of small crowds and large deficits.

As a consequence, Cal Expo has become a sore point for both the Reagan administration and the Legislature, neither of which can decide what, if anything, should be done to rescue it. On the eve of the 1972 State Fair, the lack of agreement over what to do about Cal Expo is reflected in three contradictory proposals for its future:

- The 19-member Cal Expo Executive Committee, at the urging of General Services Director Lawrence R. Robinson Jr., last month recommended to Governor Reagan and the Legislature a five-year, \$9 million capital improvement program. As described by the committee, the plan will bring Cal Expo close to becoming the self-sufficient year-round facility originally envisioned — though the assumptions underlying its eventual self-sufficiency, particularly the projected attendance, are not believed by all the committee's members.

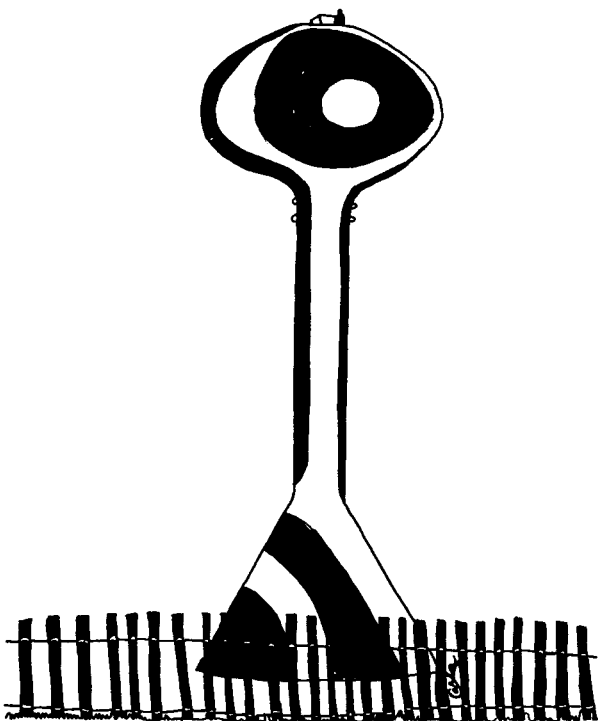
- The Legislature is considering a bill sponsored by Sacramento area legislators to appropriate \$400,000 annually from night harness racing at Cal Expo's track to spruce up the fairgrounds. The bill's author, Senator Alan Short, explained before the bill's passage by the Senate that several buildings still need to be finished, electrical wiring has never been completed, "and we even need money to clean up the weeds."

- For the fourth consecutive year, Orange County Assemblyman Kenneth Cory has proposed that Cal Expo's facilities be sold. Cory, whose district includes Disneyland, contends that the state should not be in the entertainment business.

Birth of a dream

The history of the California State Fair and Exposition goes back 25 years, to 1947, when the Legislature appropriated \$2 million to acquire a new fair site in Sacramento County. The old site, grown shabby with age and neglect and hemmed in by a rapidly growing population, seemed less and less suitable for its purpose and a major cause of the fair's consistent losses. Two years later, the state began the purchase of the present 1,000-acre site on the banks of the American River in what were then the outskirts of Sacramento.

A study commissioned by the Legislature at that time blamed the fair's consistent deficits on the fact that it remained predominately an agricultural fair, but it was not until 1956 that a study was made to



Visual Critique

"...there is little sense of spectacle, fantasy, or fun."

BY CHARLES JOHNSON

Whether through limitations of budget or imagination, the main architectural elements of Cal Expo have a cold functionality that conflicts with the whole notion of a fair; there is little sense of spectacle, fantasy, or fun. During the run of the fair itself, Cal Expo does take on a carnival air simply because of the temporary often tacky structures installed for the 14-day run: amusement rides, side shows, pitchmen's booths, and games. For a short while, Cal Expo comes alive with the crowds as they play, eat, gawk, buy, sell, and occasionally riot. But between fairs the exposition grounds are picked to their austere bones, with nothing livelier than the op art design on the purely functional 152-foot water tower.

The San Francisco architectural firm of Wurster, Bernardi, and Emmons prepared the master plan, but the management that hired the firm went broke, and the new management has never consulted the original architects. A good many of the original plan's features were never built, due to a lack of funds, but the major structures, bridges, and waterways were put in pretty much as planned, and the axial circulation pattern is set. This pattern makes it easy to see all of the fair in a systematic way, making a circuit from the parking lot, through the main attractions, with side trips along the way, and back to the parking lot.

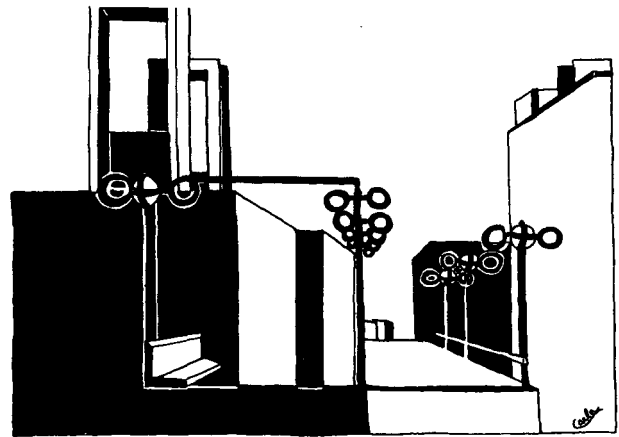
Two of the most successful buildings are at either end of the main axis: at the west end there are Wurster's grey Exposition Center towers, where various cultural events and exhibits are held during the fair, and at the east end there are Arthur Froehlich's race track and grandstand. The grandstand remains a solid, clean handsome structure, despite an ugly banner draped across it to advertise a top-floor restaurant. The Wurster monoliths, Stonehenge-like in their mysterious angularity, may not conform to one's visions of Pleasure Island, but they are fine as sculptural shapes. Unfortunately, they suffer from the clutter of a plywood stage built in their midst and an amusement ride to the north. And though the towers were designed for the minirail to snake through them, it tends to add to the visual clutter.

Indeed, in walking through the fair, it is this clutter that increasingly imposes itself on one's senses. Either the secondary structures (such as the snackbars) lack the grace of the main buildings, or else the latter were built with such monumental severity that they cannot abide heterogenous interference.

Architecturally, Cal Expo reflects the general state of civilization in California. It suffers even in comparison with the folksy old Sacramento fairgrounds, and yet its slick technology does not fulfill dreams of a futuristic paradise. The happy, small-town past of California is gone, it seems to say, but the idyllic future hasn't yet arrived.

Between the grandstand and the Wurster towers lie

three main elements: the exhibition halls, the tented outdoor flower areas, and the stock barns. The three exhibition halls, great steel hangars designed by Callister and Payne, are probably very functional, but they certainly have no magic, and they are linked by a stupendous, overpowering steel and concrete walkway which is the design's only outright esthetic blunder. But then, next to the hangars is a real triumph: the



layered canopies of the flower show area. These tent-like structures have a soaring, fantastical air, and are the only permanent structures at Cal Expo that offer a novel and exciting visual experience. The cowbarns, finally, are cowbarns, although their slightly rakish roof design creates an agreeable breeziness.

The grounds are much like the structures. In the four years since Cal Expo opened, the many cultivated trees have come along well, but they remain a long way from compensating for the wonderful stands of oaks that were ripped out in clearing the exposition grounds. A waterway, not quite completed, winds through the fairground, lending needed relief from the stark architecture, although its concrete banks suggest irrigation canals rather than a free-flowing stream. A large fountain at the west end of the axis, spectacular in operation with its scores of computer-programmed jets, lacks any sculptural motif and affords a place to cool off only if you ignore the "Keep Off" signs.

Like so much state architecture in Sacramento, Cal Expo seems to have been designed with cost-accounting in mind rather than any sort of elevation or expression of the human spirit. For an office building such a design philosophy is bad enough, but for a fair ground it is a tragedy. If more money is poured into Cal Expo construction, as the exposition's Executive Committee recommended last month, one hopes that a little fun and beauty will be added as well. Fun and beauty, after all, are also a part of life in California.

Charles Johnson is a Sacramento-based writer on the arts.

determine what a new fair should offer. That study, by the Stanford Research Institute, rejected lingering ideas of remodeling the old site, and instead proposed making the State Fair and Exposition an economically self-sufficient operation at the new site, "with the help of professional showmen, promotion experts and management personnel". The plan for self-sufficiency drawn up by SRI included several elements common to the operation of the leading fairs in the United States and Canada, elements that eventually became the foundation of the Cal Expo plan:

- Operation as a corporation so as to insulate the fair from political pressures and permit greater management flexibility than state agencies enjoy.
- Inclusion of urban youth programs, more extensive industrial representation, and a recreation and amusement park "of sufficient magnitude to defy duplication anywhere else."
- A shift in the opening of the fair from August to September or October, when Sacramento's summer heat usually subsides.

The 1957 Legislature responded by approving a funding program for development and construction of the new exposition and fair, including authorization for the prompt sale of the old fairgrounds to help finance development of the new site. Making good its promise in the succeeding two years, the Legislature

HORSERACING AT EXPO

Construction of a \$6.5 million race track for 14 days of thoroughbred racing during the State Fair has often been cited as one of Cal Expo's most questionable expenditures in terms of the exposition's original goals. This was one of the arguments advanced in 1970, in any case, when the Legislature passed a bill, later signed into law by Governor Reagan, to allow up to eight weeks of night harness racing at Cal Expo. The additional racing has done little to ease Cal Expo's financial bind, however. The operators of the race meeting pay minimal rent to Cal Expo, under an agreement that permitted them to install lights for night racing, with the cost deducted from rent of the track facilities. Since the state's percentage from betting proceeds goes into the General Fund, Cal Expo realizes little direct profit. Nor does it gain appreciably from the old State Fair thoroughbred meet, which suffers from a 10-day overlap with thoroughbred racing at Tanforan on San Francisco Bay. Under a bill (SB 336) submitted this year by Senator Alan Short, however, Cal Expo would receive at least the state's share of funds for the night harness meeting, a sum Short estimates at about \$400,000.

appropriated almost \$7.5 million, and authorized a \$13 million revenue bond issue to construct "The California State Fair and Exposition" — Cal Expo. In doing so, however, it continued to emphasize the goal of self-sufficiency. The new state fair and exposition, said the Legislature, would have "broader appeal than the existing one and be economically self-sustaining."

Brown gives the go-ahead

Complications in marketing the revenue bonds delayed progress, however, and in 1960 Governor Brown appointed a new committee to review the feasibility of

the proposed year-round exposition. Brown's committee concluded that such an exposition would be self-sustaining if a statewide audience could be attracted and if the exposition were managed by a private corporation. Brown decided that both of these things could be done, and directed the state officials to go ahead with development of Cal Expo.

The next major step was the preparation of a detailed plan as to what, exactly, Cal Expo was to be. In 1963, Economic Research Associates, which had been chosen to develop the detailed plan, completed its study and recommended an elaborate enterprise offering five major attractions: an exposition center to provide a noncommercial year-round educational and cultural display area; an industrial exhibition area with open space and building shells for private industrial use; a recreation area with a revenue-producing amusement park designed to fit a California theme; the fair activities complex with space for the traditional State Fair exhibits; and the race track with provision for both horse and auto racing. Such a year-round exposition, ERA said, would immediately become self-sustaining and eventually would show a profit. Accepting ERA's plan, the Legislature quickly passed the "California State Exposition and Fair Law" creating an organizational framework based upon ERA's recommendations. Among other things, the law specified that a private corporation would run Cal Expo because only such a corporation could provide the "creative talents and flexibility of operation" a successful exposition would require.

ERA later revised details of its master plan, which became known as the "Gold Book," and projected the opening for 1968, with 1969 as the exposition's first full year of operation. Three and one-half million people would attend the fair during that first full year, ERA predicted, and that attendance would generate net income of \$1.9 million, enough to service the authorized revenue bonds (but not to cover all current operation expense). Accordingly, in 1966 the State Public Works Board approved the first expenditures out of the \$13 million revenue bond issue authorized by the Legislature nine years earlier.

Enter Governor Reagan

A year later, however, Ronald Reagan defeated Brown in the campaign for Governor, and the new State Public Works Board prudently declined to approve the start of construction until the new administration had an opportunity to review the plans. Governor Reagan appointed a nine-man committee headed by his General Services Director, General Andrew Lolli, to do so and to decide whether the state should go ahead with the plan. At this point, although actual construction had not started, nearly \$4.5 million had been spent for planning and development, and the state stood to incur penalty charges on the bonds already sold if it failed to build Cal Expo.

Not surprisingly, Lolli's committee recommended proceeding with construction, noting the "economic impact, prestige, educational value, and growth potential of the new State Fair" and "the hopeful expectancy that the new State Fair will be self-supporting". As further justification, the committee observed that 12 percent of the project's total estimated cost had been spent, bond redemption penalties would approximate

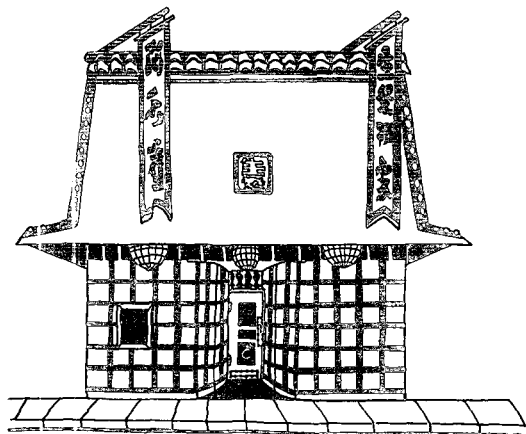
\$900,000, and default "could impair California's future bond sales."

However, in giving the green light to Cal Expo construction, Lolli's committee rewrote the master plan to require that Cal-Expo be self-sufficient from the outset. Under the revised plan, private concessionaires were to operate the entertainment and recreational facilities, and funds that had been budgeted for that purpose were to be used to augment the agricultural exposition facilities. The result was to sharply curtail the general entertainment features of the original plan, while giving greater emphasis to the agricultural events and displays that had dominated the old fair—a step that represented a small victory for the agricultural interests, which had long fought what they saw as a slighting of agriculture under the original plan. ERA warned the state and prospective bond-holders that such changes would seriously jeopardize Cal Expo's ability to become self-sufficient, charging that "comparison of the existing facilities and program with those conceived in the original study, or in the 1966 review, is erroneous, if not impossible." But despite ERA's opposition, a second series of bonds was issued to finance the initial construction. In addition, the Legislature passed a bill allowing the Public Employees Retirement System (PERS) to acquire the old fair site (for which no private buyer could be found) and excess land at the new site, acreage set aside for a commercial development opposite Cal Expo, providing, in effect, a loan based on the value of the land. (Later, in 1971, this land was sold to Kaiser Aetna for \$7.3 million, an amount that just covered the debt owed to PERS.)

Cal Expo opens

Meanwhile, construction of the exposition center, the fair activities complex, and the race track got underway, and was completed by the spring of 1968. Although attempts to interest private concessionaires in developing the recreational complex had failed to materialize, the Cal Expo Executive Committee declared that the fair was to be operational as of July 1. When representatives of ERA were invited to tour the plant, however, they opposed the 1968 opening, explaining that "the facilities . . . as a result of the policy recommended by the Governor's committee, are little more than those of the old state fair housed in new structures." ERA recommended a one-year delay as "the most realistic alternative to assure opening with a full program."

But the opening went ahead as scheduled, and 58 days later the first California State Fair and Exposition



closed, a disaster. Paid attendance reached barely a third of the 1.5 million estimated under ERA's original plan, and revenues fell \$2 million short of estimates. This dismal opening prompted a legislative inquiry in which the executive committee was asked to explain what had gone wrong. The committee blamed the non-profit corporation for the failure, despite ERA's prediction that the revision of its master plan had foredoomed Cal Expo to deficits. Acting on its own advice, the executive committee, whose membership was drawn heavily from the old State Fair Board (which had run

STATE FAIR ATTENDANCE

In its last year at the old fairgrounds (1967), the 12-day State Fair drew a record 1,015,000 visitors, the only time in its 120-year history that attendance surpassed the million mark. Since the move to the new site at Cal Expo in 1968, attendance has been as follows:

Year	Attendance	Days
1968	682,414	58
1969	857,386	19
1970	952,691	19
1971	893,737	20

Source: Cal Expo.

up its own string of deficits), proceeded to dismiss the corporation and its personnel, against the wishes of the investigating legislative committee. Management of Cal Expo has remained in the hands of the state executive committee in the four years since 1968, a situation that must be considered an interim arrangement, in view of the Legislature's clearly stated intent to have a private, nonprofit corporation operate the exposition.

During this period, the Reagan administration has kept Cal Expo under tight fiscal controls, providing a budget that Legislative Analyst A. Alan Post, a consistent critic of the Cal Expo concept, has called "relatively austere and a holding action". But the austerity budget, notwithstanding, Cal Expo has required an annual General Fund subsidy averaging \$400,000, exclusive of the \$1.1 million annual expenditure for bond redemption. "Pay-as-you-go" has brought development to a standstill; the dream has become a fiscal nightmare.

Another plan

Last month, after four years of idling in neutral, the Cal Expo executive committee again shifted gears. It proposed, in effect, that the original plan for Cal Expo be fully implemented as part of a five-year, \$9 million improvement program. Approval by the Reagan administration seems likely inasmuch as the new Director of General Services, Lawrence Robinson, is behind the revised plan, although it is not clear yet just where the \$9 million is to come from.

The obvious alternative is to abolish Cal Expo, to concede, in effect, that there is nothing to be gained by throwing good money after bad. The chief spokesman for this minority view is Assemblyman Kenneth Cory, who has repeatedly submitted legislation to abolish Cal Expo. "The state belongs in government, not in show business," Cory wrote in a dissent to the report of the Assembly Committee on Efficiency and Cost Control

which supported additional spending for Cal Expo. "The primary objectives of the existence of a State Fair were fulfilled by the old State Fair, which operated with considerably less deficit than does the present one. The best financial interests of the state will be served by the most rapid disposal possible of Cal Expo and all its assets. If the state must remain in show business, it should do so in name only, under the total auspices of private capital and private business enterprise, know-how and operation."

Cory offered two ways to accomplish this. One would be to create a separate source of revenue to support Cal Expo, such as a state lottery, legalization of betting on dog racing or jai-alai, or permitting off-track-betting year-round exclusively at Cal Expo. Another would be to shift the California State Fair each year between northern and southern California, in conjunction with the Alameda County Fair in Pleasanton and the Los Angeles County Fair in Pomona. "Both of these fairs have consistent records of profitable operation and competent management," Cory wrote in his dissent, and both, he went on to point out, have adequate capacity for growth, and draw from the state's largest population centers. "Other than the outmoded concept that the fair should be held in the capital city," Cory said, "there is no valid reason for holding the State Fair in Sacramento."

Fifth edition

Meanwhile, the 1972 State Fair will open August 25th at Cal Expo as the fifth edition of the old fair on new grounds never designed for it. If it seems unlikely that the Cal Expo plan will ever be completely abandoned, it also seems doubtful that much will be done in the near future to bring the original dream closer to reality. And even if the recently revived "Gold Book" plan should win complete approval and the necessary financing from the Reagan administration and the Legislature, a solvent operation will still be far from assured. Experience so far demonstrates all too clearly that with exposition plans as with minerals, all that glitters is not gold. 🏠



NEWSBRIEFS

State Workers Get 7.5% Raise in August

Paychecks issued to about 112,000 state civil service workers this month reflected an average salary increase of 7.5 percent, the maximum allowed under federal guidelines. The Pay Board in Washington trimmed .9 percent from the average 8.4 percent pay package approved by the Legislature and Governor in June. The State is appealing the cutback with the argument that the full amount of the raise is justified by the need to remove inequities in certain job categories with respect to pay for similar work elsewhere.

Also pending are nine percent increases in the salaries of University of California and state college academic personnel, who got 5.5 percent cost-of-living raises, their first in 36 months. Nonfaculty increases of 7.5 percent, because they fell within the federal guidelines, have already been approved.

Suit to Force Utility to Recycle Water Could Set a State Precedent

The East Bay Municipal Utility District will be forced to recycle the 128 million gallons of effluent it now dumps into San Francisco Bay, under a suit filed July 18th in Alameda County Superior Court. The Environment Defense Fund, which filed the suit, seeks to set a precedent that could affect other utility districts bordering the bay and in Los Angeles and San Diego.

"The legal principle we hope to establish," said EDF's regional counsel, Thomas J. Graff, "is that it is a waste of water to fail to recycle." To waste water is a violation of the California Constitution. Used water is now given only initial purification treatment before being released near the Oakland end of the Bay Bridge. EBMUD concedes that its releases do not now meet all federal antipollution standards, but predicts that they will by 1975.

EDF contends that if this once-used water were instead turned around and put to industrial use (recycled water is not now fit for human consumption), the bay would not only be cleaner but EBMUD would not need to buy water from a dam to be built on the American River near Auburn. Were this the case, EDF believes, the dam would not be needed. EBMUD counters that recycled water is too expensive and its potential customers too few to offer a valid alternative to the water imported from Auburn. The utility cited figures of \$360 to recycle a million gallons of water, as opposed to \$200 to deliver it from the American River, or \$75 to draw from the Mokelumne River, EBMUD's principal source today. "You can't avoid the financial realities of this sort of program," says General Manager John S. Harnett.

Joining in the suit with the Environmental Defense Fund, which claims 32,000 members, are the Oceanic Society of San Francisco and the Save the American River Association of Sacramento.

Initiative Makes a Big Comeback as Groups Seek to Bypass Legislature

With this issue, we begin coverage of the nine initiatives and at least that many legislative propositions which will appear on the general election ballot November 7th. Our coverage begins with four initiatives, two of which are constitutional amendments dealing with state salaries and two of which are statutes, one concerning farm labor and the other the definition and control of obscene material. We will deal with the remaining five initiatives and the other propositions in succeeding issues.

In recent years California voters have perhaps become accustomed to being confronted by 15 to 20 state ballot propositions at the general election in November. If so, they will not be disappointed this November 7th, for as of this writing it appears that there will be nine initiatives and at least nine other pieces of legislation on the ballot. The number of initiatives is unusual, however, for it is not since 1948 (when there were 10 on the ballot) that so many questions have been put to the voters in this way. In recent years, in fact, the initiative process seemed to have fallen into disfavor. Only one initiative made the 1960 general election ballot, three made it in 1962, four in 1964, and then there were two in 1966, one in 1968, one on the primary ballot in 1970, none at all in the general election ballot that year, and one this last June.

For a while it was argued that the initiative had become a device for use solely by wealthy interests that could afford to spend many hundreds of thousands of dollars, first to get enough signatures to qualify for the ballot, and then to convince a majority of the voters to vote yes. But this year, suddenly, the initiative has come back into favor, and all manner of groups and organizations have sought to take their issues directly to the people. The "People's Lobby" demonstrated last spring with Proposition 9, the Environment Initiative, that it is possible to get a sufficient number of signatures to qualify for the ballot (5 percent of the vote for Governor in the last gubernatorial election for statutes and 8 percent for constitutional amendments — 325,504 and 520,806) if enough volunteers can be turned out. Following that example, the California State Employees Association, the Coastal Alliance, the California Highway Patrol Association, and a group called the California Marijuana Initiative, among others, have succeeded in getting their proposals on the ballot. Thus the initiative, whatever one may think about the specific proposals, seems once more to be serving its purpose of giving direct expression of the will of (some) the people. There is, however, nothing cheap about getting the qualifying signatures. Despite the fact that

the CSEA boasts of a membership of 115,000, it decided to hire professional assistance in getting signatures for its state salary initiative and reported spending \$397,262 to do so.

California is one of 28 states which permit the passage of legislation by initiative and one of 12 that permit constitutional amendment by this means. Historically, the initiative process has produced some significant, if not always beneficial legislation. Initiatives produced the state civil service system (1934), repealed the poll tax (1914), and set forth the procedure for selecting state Supreme Court and District Court of Appeal justices (1934). However, it was also an initiative, in 1926, that brought to California the so-called Federal Plan of legislative apportionment, which favored rural areas over the cities until it was overturned, 40 years later, by the U.S. Supreme Court's one-man, one-vote doctrine. And in 1964, voters approved a ban on pay television and on legislation outlawing discrimination in housing, both of which were later declared unconstitutional. The initiative has also produced a number of short-sighted pension and taxation schemes — most of which were defeated — as well as highly complex legislation like Proposition 9, the

GETTING AN INITIATIVE ON THE BALLOT

1. Sponsors draft their proposal as either a statute or a constitutional amendment.
2. The draft is submitted to the Secretary of State, who records it and forwards it to the Attorney General.
3. The Attorney General prepares a 300-word description and short title that must appear on the petitions.
4. Within 90 days of receiving a title and summary from the Attorney General, the sponsors must obtain the required number of signatures of registered voters: 325,504 in the case of statutes, and 520,806 for constitutional amendments (5% and 8% of the votes for all candidates for Governor at the last gubernatorial election). The signatures must be certified as valid by county election officials. If, after being checked against election rolls, the number falls short, the sponsors have 10 more days to get additional signatures.
5. Once enough signatures are certified, the Secretary of State must give the proposal a place on the state ballot (either the next general election at least 131 days later, or the next special election).

environmental initiative defeated last June, and the Agricultural Labor Relations initiative on this November's ballot.

This record reflects several of the strengths and weaknesses of the initiative process. An initiative proposal may be the only way to get past an unresponsive legislature, but it also evades the close scrutiny that major legislative measures must often undergo. An initiative's sponsors can draft needed new legislation free from the tangle of partisan politics, but they also escape responsibility for the consequences of their action, as elected officials can not. And an initiative may give the people a direct hand in shaping the state's fundamental law, but it can also clutter the constitution with detail better left to statute. (The number of signatures of registered voters required to qualify initiative statutes was reduced in 1966 to make that form of initiative relatively more attractive; nonetheless, four of this year's nine initiatives are constitutional amendments.)

Mervin Field, who as director of the California Poll has followed the progress of many initiatives and other ballot propositions over the years, says that they nearly always pose serious problems for the voters. The measures themselves are often presented in incomprehensible legal jargon, and the voter is given few useful facts with which to form an opinion. Moreover, the voter is often hit with a barrage of highly simplified

RECORD OF VOTER APPROVAL OF INITIATIVES

Type	Proposed	Approved
Constitutional Amendments	84	24
Statutes bypassing the Legislature	54	14
Statutes submitted first to Legislature, then to voters ¹	4	1
Totals:	142	39

¹Procedure repealed in 1966.
Source: Secretary of State, *Statements of Vote*

and emotional campaign propaganda for a large number of candidates and ballot propositions and finds it difficult to consider carefully any single measure. Because of these factors, Field says, "voters seldom have clearly defined opinions about most measures even on the eve of voting. Many have a limited, and even erroneous, understanding of the issues. Opinions of this type are often subject to quick change under the pressure of massive propaganda and emotional appeals."

Nevertheless, it is also true that the voters retain the right to reject what they don't understand, and they have voted no at least three times more often than yes since adopting the initiative system in 1911.

State Employees Salaries

The State Employees Salary Initiative will severely limit the power of the Governor and the Legislature to reduce state employee salary increases proposed on the basis of "prevailing rates for comparable services in private business and public employment".

Sponsored by the California State Employees Association, the measure provides that the State Personnel Board, the Regents of the University of California, and the Trustees of the California State University and Colleges shall, for the employees within their jurisdiction, "file an annual report with the Governor . . . as to funds, if any, necessary to adjust the salaries and other benefits of state employees during the succeeding fiscal year." These recommendations are to be incorporated without change in the annual Governor's Budget for inclusion in the annual budget act. The recommended funding cannot be reduced, except by two-thirds vote of each house of the Legislature, and the legislative appropriation can neither be reduced nor eliminated by the Governor. In addition, the initiative requires the appointing powers (Governor, regents and trustees) to bargain with employee organizations on "all matters relating to employer-employee relations and terms and conditions of employment" other than salary levels.

Thus, the 115-member CSEA has given expression to its anger over Governor Reagan's reductions in recommended salary increase funds in 1969, 1970, and 1971. With this proposed amendment, which CSEA says is aimed directly at Governor Reagan, the association hopes to establish the prevailing-rate concept as the single, indisputable standard for setting state em-

ployee salaries. Although the initiative makes provisions for a reduction in salary increase funds by two-thirds vote of the Legislature, it is clear that this is not a "safeguard" that the CSEA expects to be used often.

At present, the salary increase recommendations of the State Personnel Board, regents and trustees, though based upon prevailing-rate surveys as proposed in this initiative, are in no way binding on the Governor or the Legislature. The Governor can and has cut the recommended funding to fit what he believes the state can afford to spend in any particular year. The Legislature is similarly free to raise or lower the amount requested by the Governor, and the Governor can, in turn, reduce or eliminate any salary increase appropriation that, in his opinion, is unwarranted or beyond the ability of the state to pay. All this is to be changed under the proposed initiative by giving the salary-setting agencies, in effect, power to appropriate the funds necessary to maintain state salaries at the level of salaries for comparable employment in other public agencies and in private business and industry.

In the past, the recommendations of the State Personnel Board and the other two boards were generally heeded by the Governor and the Legislature. But this changed rather abruptly in 1969 when the state entered a period of serious financial difficulty. That year, the Governor trimmed the Personnel Board's recommended 6.7 percent increase for civil service workers to 5.6 percent. The next year, a recommended 7.7 percent raise was cut to 5.2 percent, and in 1971, a recommended 8 percent raise (for 1971-72) was ignored entirely by Governor Reagan. These salary setbacks help-

ed feed a growing militancy within the CSEA that, according to the new general manager, Walter W. Taylor, is no passing phenomenon.

This year, momentum behind the salary initiative plan was reduced somewhat when the Governor agreed to civil service salary increases of 8.4 percent (as compared with the 10.7 percent recommended by the Personnel Board and 10.9 percent voted by the Legislature), a figure that was reduced to 7.5 percent, at least temporarily, by the Federal Pay Board. The CSEA leadership appears to be as determined as ever, however, to campaign hard for passage of the initiative,

using the special assessment of \$1.75 per month per member voted for this purpose earlier this year.

The initiative is strongly opposed by Governor Reagan. He charges that the measure violates the state constitution by taking important fiscal powers away from the Governor and Legislature and giving them to appointed officials. Joining Reagan in opposition are the State Personnel Board, (whose members are appointees of the Governor), and the California Chamber of Commerce, which disagrees not only with the salary-fixing provisions but also with the collective-bargaining authority that the measure establishes for state employees.

Strengthened Obscenity Control

The Obscenity Initiative that will appear on the November ballot is the latest in a series of attempts going back 15 years to restrict dissemination of obscene materials. It closely resembles Proposition 16, an initiative measure that Californians defeated by an almost three-to-one margin in 1966.

In 1957 U.S. Supreme Court ruled in *Roth v. U.S.* that the distribution of obscene material could be restricted, but defined "obscene" in such a way as to invalidate virtually all state and federal obscenity laws. The court held that matter could be defined as obscene if "to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest" and is "utterly without redeeming social importance". The court thus struck down the previously applied concept that local community standards should determine what is obscene, and California's Penal Code was amended in 1961 to incorporate much of the new language.

The 1972 Obscenity Initiative proposes to eliminate the "social importance" test, and to once more equate "contemporary" standards with "local" standards, thus granting local agencies authority to regulate the dissemination of obscene material within their own communities according to standards that they, presumably, will set. The act also adds to the Penal Code what Senator John Harmer, the measure's chief advocate, says are more effective definitions, from a law-enforcement viewpoint, of such terms as "nudity", "obscenities", "sodomasochistic abuse", "sexual conduct", and "sex-

ual excitement". Finally, it makes it a public nuisance to distribute the defined obscene materials where they might fall into the hands of minors, outlaws the showing of "obscene" films at outdoor movies, and prohibits distribution of specified sex-oriented commodities to adults.

Arrayed against the measure are segments of the film and publishing industries and the American Civil Liberties Union. The ACLU argues that the U.S. Supreme Court has already banned "hardcore pornography" and that the initiative gives excessive discretion to district attorneys and other local law-enforcement officers, at the expense of freedom of speech. The initiative's supporters counter that existing obscenity laws are ineffective because of the narrow definition applied to "obscenity". They consider the regulation of obscene literature to be a matter of law, and one in which the test of contemporary standards does not apply. The ACLU argues, however, that the measure is unconstitutional and contends that if passed it will invite so many test cases that the state will be left with no obscenity regulation at all.

Undeterred by the 1966 defeat, the backers of the initiative say they expect to run a grassroots campaign fed by "nickel and dime" contributions. Whether to wage a "low-key or a hard-sell" campaign, however, remains to be decided. The opponents, who also remember 1966, believe the initiative's defeat is virtually assured. Said ACLU attorney Coleman Blease, "I don't even know if a campaign is necessary."

Farm Labor-Management Relations

The Agricultural Labor Relations Initiative, which proposes to set up legal machinery to regulate farm labor-management relations and assure collective bargaining for California farm workers, may sound like the answer to a union organizer's dreams. Its backers, however, are mostly growers. They are organized under the Fair Labor Practices Committee, which also claims support from the California Chamber of Commerce and some farm workers. The opponents include the California Labor Federation, AFL-CIO; the Teamsters; and the United Farm Workers — all of whom have

already won some farm-worker representation rights. Indeed, the recent interest among growers in farm labor legislation, which they resisted for many years, appears to be due largely to the successful efforts of the UFW, led by Cesar Chavez, to organize the workers employed by the San Joaquin Valley grape growers.

The proposed initiative closely parallels the wording of a bill (AB 964) killed in the 1971 session of the Legislature; a second attempt this year (AB 9) also failed. Their inability to get an acceptable measure through the Legislature led the growers to go directly

to the voters in an effort to get from the people what they failed to obtain from the people's representatives.

The measure itself is very complex and detailed. It sets forth permissible and prohibited labor relation activities of agricultural employers, employees, and labor organizations; specifies that certain types of strikes picketing, and boycotts are unlawful, and defines unfair labor practices. The act also creates a five-member Agriculture Labor Relation Board with two members each from farm owners and labor, and one, the chairman, representing the "general public", all appointed to staggered four-year terms by the Governor, subject to confirmation by the Senate. The board is to conduct labor-representation elections (by secret ballot), certify the unions that management must bargain with, and investigate any charges of unfair labor practices as specified in the act. It is also to enforce a 60-day waiting period before a strike or boycott can be begun.

According to the sponsors of the initiative, it will provide "an orderly procedure for settling disputes between farmers and farm workers and their chosen representatives" in an area where "only the law of the jungle prevails". Its provisions, they say, will establish a number of farm worker rights which are not now guaranteed by law, including the right to strike and picket, the right to a secret ballot in collective bargaining, and the right to free speech. The declared objective of the act is to "achieve a fair and equitable balance between the interests of the general public, the agricultural employee, and the agricultural employer."

Organized labor is strongly opposed to the measure, however, not only because it was drafted at the direction of grower representatives but because of a number of provisions which the unions believe are heavily weighted against them and the farm workers. Their objections center on the following factors:

Participation. Most migratory workers (in labor's view the most exploited of the farm workers) would be excluded from participation in labor representation elections by this wording: "The date of such an election shall be set at a time when the number of temporary agricultural employees entitled to vote does not exceed the number of permanent employees entitled to vote."

Coverage. Employers with fewer than six workers need not come under the act; although management in such a case may choose to do so, the same choice is not offered to labor (section 1140.4 [d]).

Bargaining. Collective bargaining is limited to an individual farm unit (section 1150.2) unless the recognized union and the employer "agree that a different unit is also an appropriate bargaining unit." This, says labor, will prohibit industrywide bargaining.

Communication. Most farm workers also live on the farms where they work, and the act may prohibit or at least discourage union representatives from visiting them at home without the employer's permission. The applicable section (1144.2) states: "No employer shall be required to furnish or make available to a labor organization . . . materials, information, or time to enable such . . . labor organization . . . to communicate with employees of the employer, members of the labor organization, its supporters, or adherents." (The labor interpretation hinges upon taking "communicate" to include "visit" as a form of communication.)

Restraining Orders. Provision for a 60-day temporary restraining order (section 1150.8) in labor's eyes removes the threat of strike during harvest time when the growers obviously are most vulnerable.

Picketing and Boycotting. Strikes and picketing are permitted at the point of production (the farms) but are prohibited at the point of sale (section 1143.2). Boycotts are limited by outlawing the use of generic terms like "lettuce" and "table grapes" and requiring identification of those particular growers who are the boycott's target. This, in labor's view, will render consumer boycotts impossible as a practical matter, since a number of major farm brands are cooperatives, like "Sunkist", comprising a number of growers only some of whom may be specific targets of a boycott.

Back Pay. If the Agriculture Labor Relations Board finds the dismissal of an employee to have been unfair and orders his reinstatement, the employer is not obligated to grant pay lost due to the illegal firing (section 1144 [f]), since, say its opponents, the act defines as "an unfair labor practice" the seeking of payment "for services which are not to be performed."

To see that the initiative is approved by the voters, the Fair Labor Practices Committee expects to spend "upwards of \$600,000" in a multi-media advertising campaign directed by William C. Queale & Associates and aimed at the state's urban population. Neither the Teamsters nor the UFW so far have announced specific plans or funds committed to defeat the initiative, and the California Labor Federation will decide in convention August 21st in Los Angeles just what form its opposition will take.

Highway Patrol Salaries

The salaries paid state highway patrolmen lag 15 percent behind the maximum salaries paid other uniformed law enforcement officers around the state, according to the California Association of Highway Patrolmen. The California Highway Patrol constitutional initiative on the November ballot is intended to eliminate this difference and to assure that highway patrolmen in the future receive salaries equal the maximum paid other uniformed law enforcement officers.

The salaries of California's 5,500 highway patrolmen, like those of other state workers, are set by the

State Personnel Board according to the funds provided by the Governor and Legislature in the annual state budget. To assist the Governor and Legislature in determining the amount of funding required, the State Personnel Board annually surveys salary levels for other public and private employees and then recommends the amount of salary increase funds, if any, required to bring the salaries for the various state civil service classes up to the average salaries for comparable classes in other employment. In the case of state highway patrolmen, the Personnel Board compares the

salary range for "state traffic officer" (highway patrolmen) with the salary range for patrolmen in Los Angeles (city and county), Oakland, San Diego, and San Francisco. The Governor is not bound to follow the Personnel Board's recommendations, however, nor is the Legislature. In recent years, the salary increases actually funded have been significantly below the Personnel Board's recommendation.

The highway patrol salary initiative seeks to amend the state constitution to do four principal things: (1) to require the Governor to provide in his annual budget request the full amount of funding required for the salary increases recommended by the State Personnel Board; (2) to require a two-thirds vote of each house of the Legislature to reduce budgeted funds for highway patrol salary increases; (3) to prohibit the Governor from reducing or vetoing altogether any salary increase funds for highway patrolmen appropriated by the Legislature; and (4) to direct the Personnel Board to base its recommendation for highway patrol salaries not upon the average salaries of other law enforcement officers but upon the maximum salaries of such officers in each city and county within the state.

The first three points are identical to those proposed in the CSEA salary initiative, except that they apply only to highway patrolmen. The fourth is unique in that it requires the Personnel Board in this one case to recommend salaries which are not simply equivalent to average salaries for similar classes but equal (at least) to the salary levels established by the highest paying city or county anywhere in the state.

In the latest Personnel Board salary survey, highway patrol salaries were found to be 15 percent behind the average salary for policemen and deputy sheriffs in the five comparison jurisdictions, and as much as 30 percent behind the highest paying of those jurisdictions, San Francisco. The 1972-73 budget provides for a 8.5 percent salary increase for the highway patrolmen. (The salary for highway patrolmen now starts at \$905 per month and rises to maximum of \$1,048 per month.) Had this proposal been in effect, it is estimated that an additional increase of at least 11.5 percent would have been required for a total cost of \$17.5 million.

The cost of operating the California Highway Patrol, as well as several other state agencies, is paid for from the Motor Vehicle Fund, which receives revenue from vehicle registration and license fees. Any "surplus" in the Motor Vehicle Fund which is not required to meet the annual operating expense of the highway patrol and other agencies is required by law to be transferred to the Highway Users Tax Fund, which is used for the construction and maintenance of streets and highways. The California Association of Highway Patrolmen argues that the cost of raising patrol salaries will come out of the Motor Vehicle Fund "surplus" and therefore will cost the taxpayers of the state nothing. According to the Division of Highways, however, the idea that there is a "surplus" in the Motor Vehicle Fund is wrong. It is intended that there be a transfer every year from the Motor Vehicle Fund to the Highway Users Tax Fund to help pay for the construction and repair of streets and highways. If all the revenue in the Motor Vehicle Fund were used up by the agencies supported by that fund, it is contended, there

would have to be a cutback in street and highway projects.

The patrolmen's association also contends that because state salaries are below those for other agencies, the highway patrol is losing many men who have been trained at considerable expense to the state. State Personnel Board figures indicate, however, that the turnover rate for highway patrolmen is 0.2 percent, as compared with 1.3 percent for all state employees, and that the last examination for candidates attracted 2,500 applicants for 300 positions.

The campaign for passage of the initiative is being run by the California Association of Highway Patrolmen, which, according to Executive Manager Ralph L. Schiavone, "will campaign with all the normal paraphernalia — radio, TV spots, and bumper stickers." Schiavone expects the whole campaign, including the gathering of the signatures that got the initiative on the ballot, to cost no more than \$300,000. "When you fight the tide for so long and you don't win, and you've worked within the system, you ultimately reach a point of frustration," said Schiavone, explaining why the highway patrolmen had turned to the initiative process. "You either go out on strike — and policemen are not prone to go out on strike — or you go to the citizens to correct the inequity." ▲

CURRENT BOOKS OF SPECIAL INTEREST

The Great School Legend: A Revisionist Interpretation of American Public Education, by Colin Greer. (Basic Books, Inc., New York, 1972, 206 pp., \$6.95).

Director of the University Without Walls in New York City and senior editor of *Social Policy*, Colin Greer attempts to put to rest the "myth" that the public school received and educated the poor and dispossessed of earlier eras. He maintains that the poor have always failed in school, and that the current failures of the poor, particularly blacks, Chicanos, and Puerto Ricans, is simply an extension of a continuing process.

Although Greer's carefully documented case runs counter to the conventional wisdom, he is still optimistic about the potential ability of public education to improve the lot of the poor.

On Equality of Educational Opportunity. Papers Deriving from the Harvard University Faculty Seminar on the Coleman Report, edited by Frederick Mosteller and Daniel P. Moynahan. (Random House, Vintage Books: Hardcover, \$15.00; Softcover, 570 pp., \$3.95).

Daniel Moynahan intellectual-in-residence to two Presidents, and Frederick Mosteller, professor of mathematical statistics at Harvard University, have assembled an important collection of essays.

The book as a whole is formidable, even for researchers and academics, but its wide range of topics and contributors makes it an important reference work. In general, the authors reinforce the main findings of the Coleman report — notably, that academic achievement is more closely related to social class and peers than schooling — and re-analyze and clarify other portions of that study.

Individuals concerned with school integration and the eventual implications of the *Serrano* decision (see *California Journal*, September 1971, and October 1971) will find *On Equality of Educational Opportunity* a useful and important book.

A View from Inside the California Democratic Convention Delegation

BY JACQUES LEVY

"It's a new day for California politics!" beamed Assemblyman Willie Brown, one of the three "cochairpersons" of the California delegation, still euphoric on the day after the close of the national Democratic convention. The California delegation, according to Brown, had brought together "a whole new group of political activists" who will have an impact on the party for years to come.

This feeling was widely shared among the professional politicians and the "amateurs" on the delegation. In the short run, certainly, several regular Democrats, such as Assemblyman Brown and U.S. Senator Alan Cranston, will gain from what happened in Miami and how they handled themselves there. Others, such as San Francisco Mayor Joseph Alioto, who has his eye on the race for Governor in 1974, will be hurt. His unyielding support of Senator Hubert Humphrey won him no friends among the state's 271 McGovern delegates.

As for this fall's elections, the consensus among California legislators and congressmen at Miami was that most Democratic candidates in California will benefit from the well-organized and highly motivated campaign they expect McGovern to put together. Most of these elected officials rejected the notion that Senator McGovern could turn into a Democratic version of Senator Goldwater. "Goldwater captured the GOP by grabbing the top," said Assemblyman John Dunlap of Napa County. "McGovern captured the broad base."

Some journalists apparently believe that the McGovern delegates may have had their moment of power at the convention and will find, when they have returned to California, that the old-line party workers are still in charge. But there is good reason to think otherwise. For one thing, 10 of the delegates were elected to the expanded Democratic National Committee, and these people are issue-oriented activists from groups not usually represented on the national committee — the poor, youth, and minorities. Those elected were Richard Chavez, brother of UFW leader Cesar Chavez; Dorman Commons, senior vice president of Occidental Petroleum; Assemblyman Leon Ralph of Los Angeles; Attorney Marvin Shapiro of Los Angeles; Fresno City Councilman Al Villa; Ms. Wallace Albertson of Los Angeles; Wyanne Bunyan of Mill Valley; Mary Ledesma of Huntington Park; Madeline Russell of San Francisco; and Jo Seidita of Northridge.

Jacques Levy, former political reporter for the Santa Rosa Press-Democrat, is presently working on a biography of Cesar Chavez. He went to the Democratic National Convention as a delegate from the First Congressional District.

Most of the other members of the delegation found themselves courted (and occasionally manipulated) by party regulars, however briefly, and enjoyed it. More than a few concluded that with a little more knowledge and organization they and those they represent could wield substantial political power in California. Now that Senator McGovern has been nominated, all of the delegates intend to be active in the fall campaign, not only in the presidential contest but in local races, also.

There was a period, before the convention, however, when it looked like many of those who had been elected to the McGovern delegation from district caucuses would not make the trip to Miami after all. Following the ruling by the Credentials Committee against the "winner take all" provision of the California primary, there was the unexpected but now well known scramble to reduce the 271-member McGovern delegation to 120 members so that the other 151 seats could be divided proportionately among the other candidates who had run in the June primary. Having won a place on the McGovern delegation, these delegates had to campaign all over again for convention seats. In the First Congressional District, for example, Assemblyman Dunlap found himself competing with 25-year-old Donna Piotrkowsky, of Penn Grove, for the votes of that district's other four delegates — Sadie Gorbet, a 72-year-old Tahoa Indian from Crescent City; Judy Dutton, a college student from Eureka; Charles Porter, a poverty worker from Santa Rosa, and this reporter. As it happened, because of the distances separating them, the six delegates were unable to caucus in time, so a name was drawn by lot. This reporter thus became the uncontested First District delegate.

Delegation fight

For many of the delegates, the convention proved to be a quick course in politics from the day the full delegation first caucused in Los Angeles on June 10th to the convention's predawn ending in Miami on July 14th. Despite the well-organized black, Chicano, youth, and women's caucuses, the professionals maintained firm control, and most of the amateurs knew it. Their frustration and resentment didn't really surface until the last day, but they had learned a lot by then.

The bitterest fight within the delegation occurred in Los Angeles on June 10th over the seating of U.S. Senator John Tunney. The Chicano caucus and its allies strenuously opposed a move to add Tunney to the delegation because of his failure to support the United Farm Workers and their leader, Cesar Chavez. During the heated debate, Assemblyman Brown fought to have Tunney seated, but at the same time excoriated him

for a quarter of an hour, calling him "the devil" and urging the delegates to "pound some sense" into his head. In the end, despite the furor, the leadership prevailed, and Tunney was seated by a vote of 192 to 93. Later, during the convention, the lettuce boycott pushed by UFW and opposed by Tunney proved to be one of the most popular causes on the convention floor.

The next time the delegates tried to shape the policy within the delegation occurred on the chartered flight from Los Angeles to Miami. Since only 120 of the 271 McGovern delegates were to be allowed to vote when the convention opened the next day, a petition was circulated urging that all 271 be seated, each having 120/271 of a vote. Many signed the petition, including State Senator George Moscone, U.S. Senator Alan Cranston, and former Governor Edmund G. Brown, but it was not to be. The request to fractionalize the vote was turned down by the Credentials Committee, and the Californians were reminded that convention rules required that the delegates be named by 7 p.m. By the time the plane landed, at midnight, the 120 uncontested delegates had been chosen, either by the delegation leadership, by previous district caucuses, or by lot.

The California challenge

When the convention opened on Monday evening, it was clearly a time for discipline within the McGovern segment of the delegation. The Credentials Committee ruling that had overturned California's winner-take-all provision was to be challenged by the McGovern forces on the convention floor, but it was evident that the candidates who claimed the other 151 delegate seats had planned a series of parliamentary tactics to strengthen their hold on those seats, and would themselves challenge two important rulings by acting Chairman Lawrence O'Brien. The first ruling permitted the 120 uncontested McGovern delegates to vote on the California question, but not the 151 challenged delegates. The second declared that a simple majority of those delegates who were allowed to vote (1,433) would be sufficient to reverse the Credentials Committee ruling, rather than an absolute majority (1,509).

Since the 151 challenged delegates could not vote on the California question, it was expected that the chair's rulings would be challenged on the first credentials fight in which the 151 contested California delegates could participate — the challenge to the South Carolina delegation. By the luck of the draw, California was the first state polled. Its vote was to be a signal to McGovern delegates in other delegations as to how they should act.

Before the vote was announced, San Francisco Mayor Joseph Alioto attempted to give Assemblyman Brown the votes of both the Humphrey and Chisholm delegates. Brown refused to accept the Chisholm votes from the mayor, however, insisting that they be reported by a representative of Congresswoman Shirley Chisholm. After some heated words, Brown silenced Alioto by declaring, "I'm the chairman!" Alioto retreated, promising to get written authorization from the Chisholm delegates.

California's vote

A short time later, Brown announced California's vote: "no, 151; yes, 120." It was a vote that seemed easily interpreted; the McGovern bloc had voted solidly to override the Credentials Committee, the others had

voted against doing so. But Assemblyman Jack Fenton of Montebello, a Humphrey delegate knew better. "Willie, why did you announce the wrong vote?" he asked, rushing up to Brown.

"What do you mean?" Brown answered. "I didn't announce the wrong vote."

"Yes, you did, Willie. Why did you trick me?"

"I didn't trick you."

"Yes, you did. You know the Chisholm people voted yes."

"That's right, they did," Brown ad-libbed quickly, "but some of my delegates switched their votes." He pointed to a few sitting behind him. "They voted no."

Brown was nearly off the hook, but just then two irate Chisholm delegates came charging up to him. "Willie, why weren't we polled?" they asked. "You announced the vote without asking how we wanted to vote!"

Brown, however, was equal to the situation. "Weren't you polled?" he asked, innocently. "Didn't the floor manager get your vote?"

"No, no!"

"Who's your floor manager?"

"We don't know."

"Well, find out who he is and send him up to me immediately! I'll straighten him out."

The California vote wasn't changed, of course. As became clear later, it was part of a greater tactic to foil the anti-McGovern forces. The South Carolina minority report went down to defeat, preventing any successful challenges to the rulings of the chair. The stage was set for the California challenge to be fought by the McGovern forces under the most favorable circumstances.

After the California challenge had been won, none of the McGovern delegates resented Brown's manipulations, but they were wiser in the ways of politics. And they accepted Brown's proposal that the 151 unseated delegates be given tickets as "honored guests" for the rest of the convention — the victors' first move to reunite the party. (The California victory also set the stage for the unfurling of a huge banner within the delegation proclaiming "Boycott Lettuce", a theme that would be picked up by more than 15 other delegations, and that would be climaxed on the final day when Senator Edward Kennedy addressed the delegates as "fellow lettuce-boycotters".)

Platform debate

The education of the California delegates continued on the second day of the convention when the Democratic platform was hammered together in what proved to be the longest convention session in history. A lot of time was consumed for very little purpose. For example, at one point the California delegates were called off the floor to caucus just as the Governor of Florida started his keynote address. Assemblyman Brown arrived at the caucus only to say that it was a terrible error and that everyone should return to their seats. Then word was passed that the California delegation should stand to honor Governor George Wallace when he appeared on the rostrum. Before he actually appeared, however, the instructions were changed and the delegates were told to act as they saw fit, but not to boo. When Wallace

did appear, the California delegates remained seated and quiet.

As the night wore on and a number of controversial planks were voted on, the McGovern delegates were permitted to vote their conscience without direction from the delegation. Although the convention voted them down, the California delegation supported a populist tax reform plank by a vote of 131 to 114, with 26 abstentions, and an abortion plank by a vote of 167 to 96, with eight abstentions. On one vote, however, the delegates were not consulted. When a ruling of the chair was challenged at one point, Assemblyman Brown voted all 271 California votes in favor of the chair without polling the delegates. When some delegates complained in caucus the next day, he explained that he felt that the California delegates could not embarrass their own Assemblywoman Yvonne Brathwaite-Burke of Los Angeles, who was presiding at the time and had made the ruling.

Mood mellows

Most of the California delegates were in a mellow mood on the third day as they met in caucus before the convention session. They knew Senator McGovern would be nominated that night, and they applauded Senator Tunney when he appeared for the first time at a delegation caucus.

But some were troubled by reports that McGovern had changed his position on the Vietnam war and now planned to leave residual forces in Southeast Asia until all American prisoners of war were released. "What the hell are we going to tell the people when we go back?" asked an angry college student, Jim Richardson. "I'm not so sure I want to, after this thing!" Two or three others also spoke up, and Dolores Huerta, one of three cochairpersons, sought to quell the budding revolt. "We have to have a certain confidence in what George McGovern will do," she said. "No war is going to end until the poor people have participation in this country. Until then we can end one war, but we'll soon be in another." The debate eventually subsided when Senator Alan Cranston read a press release reaffirming McGovern's promise to withdraw all American forces from Indochina within 90 days and to stop all military action by American forces in the area.

So the delegation set out for convention hall and the anticipated victory of their candidate, their spirits only momentarily dampened when the first bus in the convoy took a wrong turn and got lost on the country club grounds where the delegation was housed. After the long uphill campaign, the delegates' feelings were perhaps best expressed by actress Shirley MacLaine who, when McGovern had won the nomination, held up a handwritten sign saying "Jimmy the Greek, where are you?" The Las Vegas odds-maker had once quoted the odds against Senator McGovern's getting the nomination at 500 to 1.

Vice presidential nomination

On the last day of the convention, California delegates were wooed by former Massachusetts Governor Endicott Peabody and U.S. Senator Mike Gravel of Alaska, both of whom were campaigning for the vice presidency. McGovern had already announced his choice of Missouri Senator Thomas Eagleton as running mate, but Gravel told the delegates that they would be acting like "good soldiers, good Pruss:



"Cochairperson" Willie L. Brown

troops" if they accepted McGovern's selection. When it came to a vote, some delegates indicated that they wanted no more dictation. This was their chance to show independence, and many took it. When California announced its vote, 198 supported Senator Eagleton, but the 73 others cast 37 votes for Frances "Sissy" Farenthold of Texas, 22 votes for Gravel, four votes for Congressman Ronald Dellums of Berkeley, three votes for Senator Fred Harris of Oklahoma, three for New Mexico Lieutenant Governor Robert A. Mondragon, two for Senator Kennedy, and one each for Georgia Governor Jimmy Carter and Senator Birch Bayh of Indiana.

The pros and the amateurs

Except for this minor uprising, the more experienced California politicians were in control from start to finish, but they found themselves allied with a powerful organization of amateurs, many of whom wanted to see further party reform that will give them still more power within the party. One young black delegate said that he felt he was sent to Miami more as a token representative of his race and of youth generally than as an active participant. He was disappointed and disgusted, he said, but vowed that four years hence his voice would be heard. Many others shared his view, although their feelings were somewhat assuaged by the knowledge that they had at least achieved their primary goal — the nomination of George McGovern.

How much of a voice they will have in the future will depend a great deal on the results in November. But having had a taste of power and success, the amateurs found that they liked it. 🏠

Correction

California Journal erred in its June-July issue (page 178) in calling William Lancaster, who won the special election June 6 for the 49th Assembly District seat, successor to Craig W. Biddle, who resigned his 74th Assembly District seat to run successfully in the special election to fill the 36th District Senate seat. Biddle succeeded Gordon Cologne, now a Superior Court judge, and Lancaster replaced Peter Schabarum, who is now a Los Angeles County Supervisor.

Selected State Government Reports

ENVIRONMENT

Environmental Planning and Geology; co-edited by Donald R. Nichols and Catherine C. Campbell, U. S. Geological Survey, Menlo Park, California. December 1971. 204 p. (\$7.75) Contains the proceedings of the symposium on "Engineering Geology in the Urban Environment" held by the Association of Engineering Geologists. Illustrates community problems that result from inadequate consideration of the physical environment and suggests preventative measures that can be taken with environmental planning based upon geologic engineering information. Requests for the report should be directed to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 (Order no. 2300-1195).

Review of the California Ecology Corps; Report of the Assembly Committee on Efficiency and Cost Control, Room 315 State Capitol, Sacramento 95814. June 7, 1972. 22 p. Recommends that the name "Ecology Corps" be changed and that the organization be used to train wildland fire fighters.

Environmental Watchdogs: The Promise of Law and Politics; by Geoffrey Wandersforde-Smith. (Environmental Quality Series No. 8) April 1972. 45 p. Available from the Institute of Governmental Affairs, University of California, Davis 95616. A discussion of literature on "environmental law".

Land-Use Planning and Regulation on the California Coast: The State Role; by Fred C. Doolittle. (Environmental Quality Series No. 9) May 1972. 85 p. Available from the Institute of Governmental Affairs, University of California, Davis 95616. A history of state policy on the development and conservation of coastal resources and a discussion of the various efforts to give state government a greater role in the regulation of coastal land use.

Preserving Agricultural and Open-Space Lands: Legislative Policymaking in California; by Race D. Davies. (Environmental Quality Series No. 10) June 1972. 150 p. Available from the Institute of Governmental Affairs, University of California, Davis 95616. An investigation of state legislative proposals from 1955 through 1970 related to the preservation of agricultural and other open space land.

LEGISLATURE

Black Legislation Passed by the 1971 Session, California Legislature: Summaries of Major Bills Affecting Blacks; prepared by the Senate Majority Caucus, Room 106, State Capitol, Sacramento 95814.

TRANSPORTATION

Triple Trailer Study in California; prepared in response to House Resolution 118, 1971 regular session, by the Department of Public Works, in cooperation with the California Highway Patrol. March 1972. 44 p. (plus appendices.) A study relating to the operation of triple-trailer and truck-tractor combinations; includes data from a demonstration of such vehicle combinations under various road conditions. (Avail-

able from the Department of Public Works, Division of Highways, P.O. Box 1499, Sacramento 95807.)

Bikeway Planning Criteria and Guidelines, prepared by the Institute of Transportation and Traffic Engineering, School of Engineering and Applied Science, University of California, Los Angeles 90024. April 1972. 178 p. A study of the most feasible and least expensive methods by which existing and future public streets and thoroughfares can more safely accommodate bicycle riders.

A Review of the Department of Motor Vehicles On-Line Issuance Policy, by the California State Assembly Committee on Efficiency and Cost Control, State Capitol, Sacramento 95814. June 26, 1972. 111 p. A report of two hearings held as part of a comprehensive in-depth study of electronic data processing for state government. Includes 22 pages of appendices.

PUBLIC FINANCE

1972 Guidebook to California Taxes; with Special Emphasis on Relationship to Federal Taxes; by Russell S. Bock, Certified Public Accountant. 430 p. (\$6.00) Commerce Clearing House, Inc., Chicago, Illinois 60646. A concise, readable treatment of California taxes not meant to replace more detailed reference works. Assumes some knowledge of federal laws.

MISCELLANEOUS

Questions and Answers Concerning the Alcoholic Beverage Control Act and Related Constitutional Provisions; by the Department of Alcoholic Beverage Control, 1215 "O" Street, Sacramento 95814. 1972 Edition. 27 p.

Campaign Financing in California; The Law and Its Application; by the Senate Republican Caucus, Room 105, State Capitol, Sacramento 95814. May 1972. Includes a discussion of California's campaign disclosure laws.

Intergovernmental Personnel Act; Report of Region-Wide Accomplishments in Grants Administration FY 1972; prepared by the Intergovernmental Personnel Programs Division, U.S. Civil Service Commission, 450 Golden Gate Avenue, Box 36010, San Francisco 94102. 29 p. Includes a large section about California projects.

Select Committee on Trial Court Delay, Report 6; prepared by the Select Committee on Trial Court Delay, Suite 4200 State Building, San Francisco 94102. June 1, 1972. 141 p. Recommendations designed to alleviate trial court delay.

Secret Meeting Laws Applicable to Public Agencies; prepared by the Attorney General's Office, State Building, Room 600, 350 McAllister St., San Francisco 94102. January 1972. 30 p. General information about the Ralph M. Brown Act dealing with secret meetings of public agencies.

Recent Supreme Court Decisions

Right to defend oneself

In June, the voters of the state approved an amendment to the California Constitution deleting the provision that permitted an individual to act as his own attorney in all criminal cases. Adoption of the amendment also had the effect of ratifying a new statutory provision requiring all defendants in felony cases to be defended by counsel, either a private attorney or a public defender.

A month later, on July 7th, the state Supreme Court went even further, stating in a unanimous ruling that a criminal defendant has no absolute constitutional right to defend himself. The ruling, contained in two closely related decisions written by Chief Justice Donald R. Wright, permits a trial court judge to require the defendant in any criminal action to be represented by counsel. The ruling is expected to severely curtail if not eliminate the trial court practice of permitting defendants to defend themselves even when they have shown only a very limited knowledge of the law.

The leading case at issue was *People v. Sharp*, in which the defendant, Jerome Sharp, had been convicted of grand theft after being denied permission to provide his own defense. On appeal, the Court of Appeal ruled that the trial court judge had erred in denying Sharp the right to defend himself and sent the case back for retrial. (For further discussion of this case see p.221.) In deciding on the case (upon petition by the Attorney General), the Supreme Court found that the language in the Sixth Amendment of the U.S. Constitution and Article 1 of the California Constitution, which guarantee a defendant the right of counsel in criminal cases, cannot be read to also guarantee a defendant the right to defend himself. In the *Sharp* case, the court also ruled that even an erroneous denial of the right of self-representation based upon inadequate examination of the defendant's qualifications would not constitute a violation of due process and therefore compel a reversal of a conviction.

Adult Authority procedures

In 1970, Norman Burke Minnis was convicted of possessing dangerous drugs for sale, and sentenced to serve six months to three years in prison. When the Adult Authority subsequently considered Minnis's case to determine the actual length of his prison term, Minnis was given the maximum three-year sentence without possibility of parole, and the agency said that it would not hear future requests for a reduction in the term. According to Minnis' attorney, the Adult Authority's decision was based upon a predetermined policy with regard to persons convicted of selling narcotics purely for profit. Minnis filed for a writ of *habeas corpus* in the Supreme Court, charging that several of the Adult Authority's procedures violated his constitutional rights and that the agency had abused its dis-

cretionary powers by deciding his case on the basis of a general policy toward narcotics offenders.

In a unanimous decision announced July 21st, the Supreme Court upheld the constitutionality of the Adult Authority's procedures, but agreed with Minnis that the agency erred if it did, indeed, follow a general policy in fixing his sentence, rather than giving him the individual consideration the law requires. The court directed the Adult Authority to reconsider Minnis's case, noting that the Legislature had drawn no distinction between sentencing narcotics offenders and other criminals.

In connection with this decision by the Supreme Court, it should be noted that a Sacramento Superior Court judge ruled on June 30th that all present rules and regulations of the Adult Authority and the Department of Corrections regarding prisoners are invalid, effective July 31st, because they were adopted in violation of the state's Administrative Procedures Act. The basis for the ruling was that both agencies had failed to hold public hearings before adopting the regulations and had not made them a matter of public record. Raymond Procnier, Director of the Department of Corrections, has announced that the state will appeal the Superior Court ruling.

Rights of minors

On July 17th, the court announced three unanimous decisions bearing on the rights of minors. All three decisions were written by Chief Justice Wright. In the first two cases, the court ruled that a minor is not put in double jeopardy if prosecuted under adult criminal law after a juvenile court determines that he or she is not amenable to treatment under juvenile processes. The two cases involved two confessed murderers, aged 16 and 18, who had been committed to the California Youth Authority for treatment and rehabilitation. The Youth Authority had refused to accept them, and they were returned to the juvenile court, which found them not proper subjects for juvenile law and ordered them prosecuted under regular criminal law. Their attorneys sought to have their trials stayed on the ground that prosecution under the adult criminal statutes would constitute double jeopardy. The Supreme Court refused to grant the stay, saying that "until one court or other reaches a final disposition of the case, only a single jeopardy is involved." The fact that the proceedings were commenced in juvenile court, but then transferred to criminal court for prosecution of the identical misconduct, did not constitute double jeopardy. However, the court did note that admission of guilt by a minor at a juvenile proceeding, as occurred in both these cases, would not be admissible in subsequent criminal proceedings.

In the third case, the Supreme Court ruled that a

juvenile court may determine whether a minor is amenable to juvenile treatment before deciding whether the minor comes under its jurisdiction. In so ruling, the court rejected earlier appellate court decisions to the effect that a juvenile court must simultaneously determine a minor's fitness for juvenile treatment and the court's jurisdiction over him. The court held that the proper order may first be to determine fitness for treatment and then jurisdiction, provided that the same judge or referee may not preside at both proceedings.

Use-tax refund denied

On July 24th the Supreme Court unanimously rejected claims of two large private utilities for the refund of more than \$325,000 in state sales and use taxes that the utilities had paid on the purchase of electrical equipment between 1956 and 1959. The claims were based on the fact that the manufacturers of the equipment were convicted of a price-fixing conspiracy in the early 1960's and, under threat of triple-damage private suits, had agreed out of court to make substantial refunds on the equipment purchases. After receiving payment from the manufacturers, Southern California Edison and San Diego Gas and Electric sued the State of California to recover the sales tax they had paid on the amounts refunded by the manufacturers.

The claims were rejected on several grounds. First, the court pointed out that the state tax law says taxes shall be levied on the "price agreed upon at the initial sales transactions" and makes no provision for a refund if the price is subsequently reduced. Second, the court said that the money received by the utilities from the manufacturers was no different from damages collected by any other seller as a result of a lawsuit and that there is no statutory authority for the court to authorize a refund of taxes on the basis of such damage payments. Finally, the court pointed out that the utilities should have recovered an amount equivalent to any excess taxes from the conspirators themselves as part of the out-of-court settlement, rather than from the public.

Two Pacific Telephone decisions

The Supreme Court issued two rulings in July concerning the Pacific Telephone and Telegraph Company. In the first, the court denied a rehearing of the case in which the court on June 7th ordered Pacific Telephone to refund the \$144.4 million rate increase awarded it a year earlier by the Public Utilities Commission (see *California Journal*, June-July 1972, p. 198). The court also denied the firm's request for a stay of the decision, pending appeal to the U.S. Supreme Court, an appeal which was rejected by the federal court in July.

In the second ruling, the state court denied Pacific

Telephone's claim for a refund of \$1.3 million it had paid in state franchise taxes in 1960. The telephone company's claim arose from a difference of interpretation of state tax laws that have been clarified by later amendments. In determining the state taxes due on Pacific Telephone's 1959 income, the Franchise Tax Board had ruled that the firm's interest expenses were first to be offset against dividend income, and only then if any interest expense remained, charged against operating expense. Pacific Telephone argued that dividend income received by a non-California corporation is not ordinarily taxable in California and thus that dividends earned by members of the Bell System that are not California corporations should not have been matched against interest expense.

The court's opinion, written by Justice Raymond L. Peters and signed by five other justices (Justice Mosk did not participate), rejected PT&T's argument, saying that there was no provision in the tax laws exempting dividends received by non-California or California-affiliated corporations. If intercompany dividends were exempt as PT&T claimed, the court said, a non-California company would be able to borrow money to make dividend-earning investments, and then be able to deduct the interest expense of the loan without paying taxes on the dividend income.

Minimum sentences for youths

The state law which provides for reduced minimum sentences for "youthful offenders" supercedes all other statutes regarding sentencing, the court ruled in a second decision announced on July 24th. According to the ruling, a trial court may fix the minimum prison term of a convicted defendant at six months if he qualifies as a youthful offender, even though the crime for which he was convicted calls for a much longer minimum sentence.

The decision arose from a case in which Larry Gordon Chambers was convicted of armed robbery. Ordinarily Chambers' minimum sentence would have been 10 years, but Chief Justice Donald R. Wright, writing for a unanimous court, said the trial court was empowered to fix the lesser minimum, in keeping with the objective of the youthful offender law. That objective, Wright said, is "to protect society more effectively by substituting for retributive punishment methods of training and treatment directed toward the correction and rehabilitation of young persons found guilty of public offenses."

The ruling does not affect the maximum sentence established by law, in this case life imprisonment, nor the Adult Authority's power to determine Chambers' actual sentence within the minimum and maximum terms fixed by the court.



PEOPLE IN THE NEWS

Walter W. Taylor, who last May led California's first statewide strike by its own employees, has been appointed permanent general manager of the California State Employees Association. Taylor took over as acting general manager when Loren V. Smith resigned in January. On July 9th, the CSEA directors made the post permanent and gave Taylor a three-year contract. Taylor's permanent appointment in effect ratifies his actions during the five-day strike of Water Project workers and confirms a more militant stance by the association in its dealings with the state (see *California Journal*, June-July 1972, p. 196).

Succeeding **Harold W. Sullivan**, 59, as Commissioner of the California Highway Patrol is **Walter Pudinski**, 45. Pudinski, who joined the Highway Patrol in 1951 as a motorcycle patrolman, is the first person to rise through the CHP ranks to the top position. His predecessor, Sullivan, who faced mandatory retirement in October, resigned to accept an appointment to the State Air Resources Board.

On July 11th, Acting Governor Ed Reinecke announced the appointment of **Ethel S. Crockett** as state Librarian. Crockett, a Republican and a graduate of Vassar College, received her master's degree in Librarianship from San Jose State University and had been Director of Library Services at San Francisco City College since 1968. She replaces Carma Leigh, who retired July 1st.

Eugene K. Lynch, 39, will fill the newly created position of Chief Deputy Director of the Department of Human Resources Development. HRD Director Sigurd I. Hansen said that the new position was created to improve coordination of HRD's departmental operations. Lynch, a Republican, was deputy director of the program and services branch of the Department of Health Care Services prior to his appointment on July 12th to HRD.

The President of the Alumni Association at the Davis campus of the University of California, **Bert L. Smith**, has been named to a one-year term on the University Board of Regents. Smith succeeds **Christian E. Markey Jr.** of Los Angeles as UC alumni representative on the board. The university regents also have a new chairman, **Dean A. Watkins**, 49. A Palo Alto business executive, Watkins has been a regent since 1969. He will serve as chairman until next July 1st.

A former Republican state Assemblyman, **George Miliias**, was appointed deputy regional administrator of the federal Environmental Protection Agency for the Southwestern United States. Since his unsuccessful campaign for California Secretary of State in 1970, Miliias has served as State Labor Commissioner.

Last month **William H. McCreary**, 67, retired as chief of the Bureau of Pupil Personnel Services in the Department of Education. McCreary, who had been with the department for 26 years, was noted for his work in strengthening pupil counseling, including school psychological services.



CALIFORNIA CALENDAR

Meetings of the following state boards, commissions, and councils are listed each month; if one of these is not listed, it can be assumed that it is not scheduled to meet this month. Boards, commissions, and councils to be included are: Board of Education; Board of Equalization; Board of Governors of the California Community Colleges; Board of Trustees of the California State University and Colleges; Consumer Advisory Council; Coordinating Council for Higher Education; Council on Criminal Justice; Highway Commission; Little Hoover Commission; Park and Recreation Commission; Regents of the University of California; and Social Welfare Board.

- Aug. 14-18 **Board of Equalization.** Board Hearing Room, 1020 N Street, Sacramento. 2 p.m.
- Aug. 17 **Little Hoover Commission.** State Building, 350 McAllister St., San Francisco. 10 a.m.
- Aug. 23-24 **Highway Commission.** Public Works Building, 1120 N Street, Sacramento. 10 a.m.
- Aug. 24 **Council on Criminal Justice.** Host of Sacramento Airport Hotel, Metropolitan Airport, Sacramento. 9:30 a.m.
- Aug. 26 **Social Welfare Board.** Hilton Inn, San Francisco International Airport. 9:30 a.m.
- Sept. 7-9 **Law Revision Commission.** State Bar Building, 1230 West Third St., Los Angeles. 7 p.m.
- Sept. 11-15 **Board of Equalization.** Board Hearing Room, 1020 N Street, Sacramento. 2 p.m.
- Sept. 14-15 **Board of Education.** State Building, 1350 Front St., San Diego. 9 a.m.
- Sept. 15 **Park and Recreation Commission.** Lake Tahoe. (exact location and time undetermined.)
- Sept. 20-21 **Board of Governors of the California Community Colleges.** Airport Marina Inn, Los Angeles. 9:30 a.m.
- Sept. 21-22 **Regents of the University of California.** University Extension Center, 55 Laguna St., San Francisco. 9:30 a.m.
- Sept. 26-27 **Board of Trustees of the State University and Colleges.** Third Floor Auditorium, Office of the Chancellor, 5670 Wilshire Blvd., Los Angeles. 9 a.m.
- Oct. 3 **Coordinating Council for Higher Education.** Host of Sacramento Airport Hotel, Metropolitan Airport, Sacramento. 9 a.m.

The following boards and commissions follow a standard monthly schedule and thus are not included in the Calendar: Allocation Board, second Tuesday of each month; Board of Agriculture, first Thursday; Commission of Housing and Community Development, third Wednesday of every other month; Lands Commission, last Thursday of each month; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Soil Conservation Commission, fourth Tuesday; Transportation Board, first Thursday; Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays. Please contact the agency for meeting time and place.



Listed below are the votes of Senators and Assemblymen on the major roll calls in the Legislature through this month and a brief summary of the issues under consideration. Votes selected for inclusion are on issues of major importance to Californians as a whole or issues on which there is a major division of opinion, or both.

Y—Yes *—Absent or Not
N—No Voting

$\frac{2}{3}$ vote required for urgency measures, constitutional amendments, appropriation bills.

Assembly: 41 votes required for passage of bills requiring majority vote.
 $\frac{2}{3}$ = 54 votes.

Senate: 21 votes required for passage of bills requiring majority vote.
 $\frac{2}{3}$ = 27 votes.

SENATE

June 23rd to 29th

SB 1148 (Marks) — Requires creditor to notify person in writing when credit is denied as a result of information furnished by credit reporting agency or credit bureau. Passed 22-2.

SB 348 (Petrus) — Requires housing authority to give tenant written statement as to reasonable cause for eviction before eviction action is filed; prohibits housing authority from entering tenant's premises except in specified situations; requires tenant representation on housing authority commissions. Passed 21-14.

ACA 51 (Cory) — Adds the pursuit of privacy as an inalienable right to Article I of the State Constitution. Subject to voter approval. Adopted 27-8.

SB 356 (Beilenson) — Requires Dept. of Social Welfare to submit proposed welfare regulations to the County Welfare Directors Assn. for its advice. Requires Director to make written report of his reasons for not following their advice. Passed 21-15.

SB 1011 (Marks) — Prohibits after Jan. 1, 1974, the sale of children's clothing up to and including size 8 which does not meet federal flammability standards. Passed 26-3.

SB 1164 (Behr) — Provides that where prior authorization is denied or services reduced under Medi-Cal, such action must be justified by sound medical reasons and clearly communicated to the provider. Passed 23-13.

SB 257 (Petrus) — Makes certain waivers of legal rights in leasing or rental agreements for housing accommodations void. Passed 22-12.

SB 1421 (Roberti) — Requires court to appoint counsel for the parent of a minor alleged to be a neglected and dependent person if parent appears at juvenile court hearing without counsel and court determines parent is unable to afford counsel. Passed 21-14.

SB 50 (Collier) — 1972-73 state budget. Attempted override of Governor's reduction by \$700,000 of an appropriation for the support of special schools. Failed 25-14 (27 votes required).

SB 321 (Harmer) — Would impose refundable \$5 community college enrollment application fee on all students except 11th and 12th grade high school students under specified circumstances. Passed 21-11.

SCA 17 (Dills) — Eliminates $\frac{2}{3}$ majority needed to override Governor's veto of bills passed by the Legislature. Failed 15-21.

SB 918 (Lagomarsino) — Authorizes single motion relating to specified prejudice of judge or court commissioner, in actions or special proceedings involving multiple parties, only if all co-plaintiffs, co-defendants, similar parties or counsel for parties in one of such groups join in making the motion. Passed 21-14.

ACA 16 (Foran) — Would authorize the use of highway revenues for the construction of public transit systems and the control of environmental pollution caused by motor vehicles. Failed 20-17.

SB 1497 (Way) — Authorizes, under specified conditions, the division of certain joint union high school districts at county lines into two districts and provides for disposition of property, funds, and equipment.

Urgency clause refused adoption, 22-10.

June 30th to July 5th

SB 1413 (Holmdahl) — Requires additional campaign disclosure statements of candidates in specified circumstances. Requires elected officials to report expenses related to official duties and contributions for such expenses. Failed 16-9.

SB 1118 (Gregorio) — Repeals Subdivision Act and provides for comprehensive revision of procedures for approving subdivisions. Passed 21-18.

SB 1446 (Moscone) — Requires Trustees of the Calif. State University and Colleges to establish grievance and disciplinary action procedures for employees. Provides for arbitration between faculty committees and administration. Passed 23-14.

SB 698 (Harmer) — Makes it a misdemeanor to show or exhibit any pictorial or live exhibit or public show visible from a public street to a minor when such exhibit depicts nudity, sexual conduct or excitement, sadomasochistic abuse, etc. Operative Jan. 1, 1974. Failed 17-15.

SB 687 (Marler) — Requires any person who is not a student or employee of a public school to immediately report his or her presence to the principal upon entering school grounds. Passed 28-4.

July 6th to 12th

SB 1440 (Dills) — Provides for collective negotiations between public employers and public employees. Assures public employees of the right to organize and the right to representation. Prohibits strikes by public employees. Passed 27-5.

ACA 95 (Moretti/Monagan) — Would amend constitution to change present annual legislative session to a two-year session, eliminate veto session, and set adjournment date. Adopted 27-11. Will appear on ballot in November.

SCA 43 (Lagomarsino) — Would authorize from 6 to 12 jurors in civil actions and in criminal actions other than those involving a capital offense. Failed 18-16.

AJR 17 (Karabian) — Ratifies Equal Rights Amendment (proposed 27th Amendment to U.S. Constitution). Motion to withdraw from Senate Rules Committee to allow full Sen-

ate to vote on ratification. Failed 4-28.

SB 50 (Collier) — 1972-73 state budget. Attempted override of Governor's deletion of \$15,563,000 to provide state employee salary increases, reducing across-the-board salary increases from 7½ to 5 percent. Failed 26-13 (27 votes required).

SB 1302 (Dymally) — Requires Board of Education to establish comprehensive program for early childhood education at specified levels and establishes age for admission to such program as 3 years, 9 months. Passed 22-6.

SB 11 (Alquist) — Establishes state policy that Legislature shall adopt a Transportation Program Act every four years which details transportation planning for six-year period. Failed 18-8.

SB 864 (Carpenter) — Prohibits the sale or registration of a new motor vehicle in state unless manufacturer has affixed decal indicating the California exhaust standards applicable to motor vehicle. Failed 6-22.

SB 1200 (Bradley) — Repeals requirement that unified school district ultimately be the form of school district organization adopted throughout the state. Passed 21-12.

SB 1326 (Collier) — Repeals present forest practices act and enacts Forest Practice Act of 1972 for the regulation of forest resources and timberlands, forest management, public and private timber operations. Establishes four forest districts in state. Passed 22-6.

SB 1419 (Roberti) — Grants state prisoners unlimited right to exchange personal correspondence without censorship. Passed 21-14.

SB 1112 (Gregorio) — Lists additional conditions under which students 16 and 17 may be exempted from compulsory school attendance laws. Permits students 16 and 17 who have not graduated from high school to enroll in continuation classes and to enroll in community colleges. Passed 21-12.

SB 472 (Marks) — Provides that persons honorably discharged from custody of Youth Authority shall have the right to be considered for employment as a peace officer. Failed 14-18.

July 13th to 19th

SB 56 (Petris) — Exempts under certain conditions certified emission-free motor vehicles and the fuel used for such vehicles from sales and use taxes, from motor vehicle fuel license tax, use fuel tax, vehicle registration fees, and license fees. Passed 23-5.

AB 26 (Chappie) — Prohibits the operation of motor boats whose internal combustion engines exceed a noise level of 82 dbA measured at a distance of 50 feet from motor boat. Failed 12-24.

SB 1493 (Walsh) — Prohibits persons from hitchhiking from freeway on- or off-ramps. Passed 23-4.

SB 129 (Alquist) — Consolidates the reporting of campaign contributions and campaign expenditures into a single campaign statement disclosing all contributions of \$100 or more and all campaign expenditures of \$100 or more. Prohibits contributions of \$100 or more which are anonymous. Requires campaign statements from all candidates for state and local offices and all campaign committees. Failed 18-15.

SB 191 (Alquist) — Requires Public Utilities Commission to inspect and audit the books of every electrical, gas, heat, telegraph, telephone, and water corporation serving over 500 customers at least every 3 years. Passed 21-5.

SB 1473 (Harmer) — Revises definitions of obscenity, obscene live conduct, and harmful matter for purposes of Penal Code provisions relating to obscene matter. Passed 23-10.

SB 21 (Petris) — Authorizes county inspections of areas to which economic poisons have been applied. Provides for injunctive and other relief if orders are not complied with. Requires employers to provide handwashing facilities and to post warning notices on sprayed fields. Passed 22-13.

SB 178 (Grunsky) — Appropriates \$9,475,600 for non-academic higher education employee salary increases. Passed 27-10.

SB 175 (Carpenter) — Requires assessor to consider effect upon land values of any restrictions of record, such as zoning restrictions limiting the use of land, etc., rather than enforceable restrictions, in the assessment of land. Passed 21-16.

SB 1195 (Nejedly) — Establishes Power Plant Siting Council to approve site permits for the construction of thermal electric power plants and electric transmission lines. Passed 22-13.

ASSEMBLY

June 23rd to 29th

AB 176 (Vasconcellos) — Calif. Community School Act of 1972. Authorizes community school programs for no more than 100 schools as pilot projects. Passed 41-22.

AB 206 (Burton) — Requires public agencies to recognize, meet, and confer with groups representing policemen and firemen. Prohibits such employees from striking. Failed 40-26.

AB 262 (Vasconcellos) — Appropriates additional \$5 million for methadone maintenance programs for heroin addicts. Passed 61-1.

AB 719 (Murphy) — Provides for milk equalization pool and base plan for manufacturing grade milk. Passed 51-12.

AB 1030 (Ralph) — Would allow court to suspend sentence for 60 days following birth of child for pregnant female sentenced to imprisonment in county jail. Passed 42-37.

AB 84 (Cory) — Eliminates mandatory physical education requirements for students in community colleges. Failed 26-35.

ACA 81 (Knox) — Would allow legislature to make loans to persons and corporations for the acquisition, construction, and installation of environmental pollution control facilities. Subject to voter approval. Adopted 58-8.

AB 1925 (Knox) — Creates Calif. Pollution Control Financing Authority, contingent upon adoption of ACA 81. Passed 56-8.

AB 1182 (Brown) — Requires Calif. State University and Colleges to establish a personnel board to administer a merit system for non-instructional employees. Passed 41-14.

AB 1042 (Bee) — Authorizes teachers to receive cash payment, in lieu of transfer credit, for accumulated sick leave when transferring from one school district to another. Passed 44-21.

AB 264 (Burton) — Requires students in 7th through 12th grades to

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ASSEMBLY

Democrats

	AB 176 AB 206 AB 262 AB 719 AB 1030	AB 84 ACA 81 AB 1925 AB 1182 AB 1042	AB 264 AB 1724 AB 1883 AB 1614 AB 1549	AB 1541 AB 252 AB 731 AB 1217 AB 291	AB 1778 SCA 72 AB 73 AB 1122 AB 347	AB 1687 AB 2140 AB 2284 AB 414 AB 1864	AB 165 ACA 77 AB 200 AB 1564 AB 673	AB 1319 & 2156 AB 285 AB 1719 AB 2265 AB 631	AB 1013 AB 1011 AB 841 AB 1227 AB 1685	AB 1821 AB 1822 AB 751 SB 349 AB 1717	AB 162 AB 1976 AB 1703 AB 348
Bee	YYYYY	NYYYY	NYNYY	YYYYY	*****	YYYYY	YY*Y*	YNYYY	YYYYY	YY*YN	NYYY
Brathwaite	YYYYY	*****	**YY*	YYYYY	YYNN	YYYYY	YYYYY	YYYYY	YYYYY	Y**Y*	YYYY
Brown	YYYYY	YYYYY	Y*YYY	YYYYY	YYYYY	YYYYY	YYYYY	YYYYY	YYYYY	Y**Y*	*YYY
Burton	YYYYY	YNNYY	Y*YYY	YYYYY	YYYYY	*****	*****	*****	*****	***Y*	YYYY
Chacon	YYY*Y	NY*YY	NYYYY*	**Y*Y	YYYYY	YYYYY	YYYN	Y*YYY	YYNY	Y*YN	YYYY
Cory	YYYYY	YNNY*	YY*NY	YYYYY	NN*YN	*****	*****	*****	*****	***YN	NYYY
Crown	*Y*YY	**YYY	YN*N*	*YYYY	YYYYN	Y*Y*Y	YYYYY	YYNY	YYYYY	YY***	*YYY
Cullen	YYYYY	YYNYN	NNYNN	YNN*	YNNNY	YYYYY	YYYYY	YYYYY	YYYYY	YY*YN	NYYY
Davis	YYNYN	NY*Y*	**YYY	YYNN	NNYNY	*NNN	YYYYY	Y*NNN	Y*NNY	YNN*N	YYNY
Deddeh	YYYYY	NYYYY	YYYYY	YYYYY	YYYYY	YYYYY	YYNY	YNNY	YYNY	Y***Y	NYYY
Dunlap	YYYYY	*NNYY	YYYYY	YYYYY	YNNNN	YYYYY	YYYYY	YNYYY	YY*Y*	YY***	*YYY
Fenton	YYYYY	N*YYY	YY*YY	YYYYY	YNN*Y	YYYY*	YYYYY	YYYYY	YYNY	YY*YN	YYYY
Fong	YYYYY	YYYYY	YYYYY*	*****	YYY*N	YYYY*	YYYY*	YYYYY	YYYYY	YYNYN	YYYY
Foran	YYYYY	*YYYY	NY*YY	YYY*N	YYYY*	*YYYN	YYNYN	YNY*	YY**	YNNYN	YYYY
Garcia	YYYYY	*****	*****	*****	YYYY*	YYYY*	YYY*N	YYY*Y	YYYYY	YY*YN	YYYY
Gonsalves	YYYYY	N*Y*Y	YYYYY	YYY*Y	YNN*Y	YYYYY	YYYY*	YYYYY	YYYYY	YNNYN	N***
Greene, B.	*****	*****	*YYY*	*YYY*	YYY**	*YYY*	YYYY*	YYYYY	YYYYY	Y***	*YYY
Greene, L.	YYYYY	YYYYY	YNYYY	YYY**	YNNY	*YYY*	YYYYY	YNNY	YYYYY	YY*YN	YYYY
Johnson, H.	YYYYY	YYYYY	YNNY	YYYYY	YYNY	YYYYY	YYYYY	YYNY	YYYYY	YY*YN	*YYY
Karabian	*****	*****	*****	YYYYY	YY*Y*	*YYY*	YYYYY	YYYYY	YYYYY	Y***	****
Keysor	YYYYY	YYYYY	YNYYY	YYYYY	YYYYY	YYYYY	YYYYY	YYY*Y	YYYYY	YNNYN	YYYY
Knox	YYYYY	*YYYY	Y*YN*	YYYYY	YYYYY	YYYYY	YYNY	YNNY	YNNY	YYNY	YYYY
LaCoste	YYNYN	YYYYY	NNNY	YYNN	YYNY	YNNY	YYNY	YNNY	YYNY	YNNYN	YYY*
MacDonald	YYY*Y	YYYYY	N*Y*	YNNY	YYNY	YYYYY	YYNY	YNNY	YNNY	YNNYN	YYYY
McAlister	YYYYY	YYYYY	YNNY	YYNY	YYNY	YYYYY	YYNY	YNNY	YNNY	YNNYN	YYYY
McCarthy	*YYYY	*YY*Y	NYYYY	YYYYY	Y*YYY	*YY*	YYNY	Y*YYY	YYYYY	YNNYN	YYYY
Meade	YYNY	N****	*****	*YYY	YNNY	YYYYY	YYYYY	YYYYY	Y*YY*	YY**	****
Miller	YYY*Y	*YYY	YN*Y*	*YYY	YYYY*	YYYYY	YYYYY	YYYYY	YYYYY	YY**Y	Y***
Moretti	YYYYY	*YYYY	YY*YY	YYYYY	YY*Y	*YYY	YYYYY	Y*YYY	YYYYY	YY**	****
Pierson	YYYYY	YY*Y*	Y***	*YYY	YYYYY	YYYYY	YYNY	YYYYY	YNNY	YYYY*	Y***
Porter	*****	*****	*****	YYYYY	YNNY	Y*YYY	YY*YN	*YYY	NY*YY	Y**YY	YYYY
Powers	YYNY	NYYYY	N*YY	YYYYY	YYNY	****	YYNY	YNN*	*YY*Y	YNNYN	NYYY
Quimby	*****	*****	*****	YYYYY	YYNY	YYYYY	YYYYY	YYYYY	YYYYY	YY**	*YYY
Ralph	YYYYY	YYYYY	Y*YY*	YYYYY	YY*YY	*****	*****	*****	*****	***Y*	***Y
Ryan	Y*Y*Y	YNN**	N****	YYY*N	YY*YN	YYYYY	YY*Y	YYYYY	YYYYY	YY*YN	YYYY
Sieroty	YYY*Y	YNNY	YNNN	YYYYY	YNNY	YYYYY	YYY*Y	YYNY	YYYYY	YYNY	YYYY
Thomas	YYYYY	NYYYY	*Y*Y*	*****	YNNY	YYYYY	YYYYY	Y*YNN	YYYYY	YNNY	YYYY
Townsend	YYNY	NY*Y	YYYYY	YYNY	YYNY	*N**	YYNY	YNN*Y	YYNY	YY***	****
Vasconcellos	YYNY	YNNY	YYNY	YYYYY	YNNY	YYYYY	YYYYY	YNNY	Y*YYY	YY*YN	NYYY
Warren	YYNY	YNNY	YNN*	YYY*Y	YYNN	YYYYY	YYYYY	YYNY	YYYYY	YY*YN	YYYY
Waxman	YYY*Y	YNNY	YNNY	YYYYY	YYNN	YYYYY	YYYYY	YYYYY	YYYYY	YYNY	YYYY
Wilson	YYYYY	NYYYY	NYYY	YY*YY	NNYY	YYYYY	YYYYY	YNNY	YYY*Y	Y***N	NYYY
Z'berg	YYYYY	YYYYY	YY*YY	YYYYY	YNNN	YYYYY	YYYY*	YYNY	YYYYY	YY*YN	NYYY

ment Practices Commission to file complaint to initiate investigatory and enforcement procedures regarding alleged unlawful employment practices based on discrimination because of race, sex, religion, national origin, ancestry, color. Passed 41-27.

AB 1217 (Vasconcellos) — Authorizes high school educational programs for pregnant pupils to be extended to include mothers of newborn infants until infant is of public school age or until student completes her high school education. Failed 31-34.

AB 291 (Brown) — Specifies that state highway monies shall be available for highway purposes only after the Legislature has specifically appropriated therefor in the Budget Act, rather than be continuously appropriated therefor. Deletes specific authorization of the

ASSEMBLY

Republicans

	AB 176 AB 206 AB 262 AB 719 AB 1030	AB 84 ACA 81 AB 1925 AB 1182 AB 1042	AB 264 AB 1724 AB 1883 AB 1614 AB 1549	AB 1541 AB 252 AB 791 AB 1217 AB 291	AB 1778 SCA 72 AB 73 AB 1122 AB 347	AB 1687 AB 2140 AB 2284 AB 414 AB 1864	AB 165 ACA 77 AB 200 AB 1564 AB 673	AB 1319 & 2156 AB 285 AB 1179 AB 2365 AB 831	AB 1013 AB 1011 AB 841 AB 1227 AB 1685	AB 1621 AB 1822 AB 751 SB 349 AB 1717	AB 162 AB 1876 AB 1703 AB 348
Arnett	YNYYN	YYNN	NYNY	NYNN	NY*YY	YYYY	YNN*N	YNYYN	NYYYY	NYNY	Y*YN
Badham	NN*YN	YYNY	NYNY	NNNN	NN*YY	*NN**	*****	*NN*N	*****	*****	YNNN
Bagley	**Y**	YYYY*	Y***Y	YYY*Y	YYYY	*YYYN	YYYY	YNYYN	Y*YYY	YNY*	YYYY
Barnes	NN*YN	NYY**	NY*YY	*YNNY	NNYY	NYYY	NNN*N	YNYNY	NNNNY	Y**YY	Y**Y
Belotti	YN*NN	NYYYY	NY*YY	*YNN	NNYY	YNY*Y	YNN*N	*NY*N	NNY*Y	YY*YY	YN**
Beverly	N*YYN	NYYY*	NY*YY	*YNN	YNYYY	*YN*N	YYYY	YNYYN	N*YNY	YY*YN	YNY
Briggs	*NYYN	NYY*Y	NYNY	NYNN*	N*Y*Y	NNY*	NNY*N	YNNN	N*YNY	Y*NY	Y***
Brophy	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****
Burke	NNN*N	NYY*N	NYYYY	NNNN	NNYY	NNNN	NNNN	NNNY	N**NN	NNNY	N**N
Campbell	YY*NY	YYYYY	*YNY	YY*NN	NY*YY	*YYY	YYYY	YNYYN	YNYNY	YNN**	*YYY
Chappie	NNYYN	NYY*Y	NY*YY	*NNN	YYYYY	YNNY	YYY*N	NNYYN	NNNN	NNN**	*YY*
Cline	NNY*N	NYNN	NYNY	YNNY	YYYYY	NNNY	NNYNN	YNNN	YNNN	YNNY	N*YN
Collier	NN*YN	NYNN	NNNY	YNNY	NNNY	NNNN	NNNN	NNN*N	*N*NN	YNNY	NNNN
Conrad	NNYYN	NYNN	N***	*****	YNYN	NNNN	NNY*N	NNN*N	NNNN	NNNY	YNYN
Dent	NNYY*	NYNN	NNYY	YNNN	YNYN	YYYY	NNY*N	YNNYN	NYY*Y	YNNYN	YNNN
Duffy	NNYYY	NYY*Y	NYNY	YNNN	YYYYY	*NYNY	YYYNN	YNYNN	YNYNY	YNNY	YNN
Hayden	*N*YN	NYY*N	NYNY	YNNN	YYYYY	*YNY	NNY*N	YNYNN	YYYY*	NNNY	YYN
Hayes	**YYN	NYYN	NNNN	YNYN	YNYN	*YNNY	YYY*N	YNNN	NNNNY	YNYN	Y*YN
Johnson, R.	NN*YN	NYN*	NYNY	YNNN	YYYYY	Y*NY	YYY*N	YNYYN	YNNNN	YNYNY	NYN
Ketchum	NNYNN	YYYY	N****	YNNN	YNNY	YNYN	NNNN	NNNN	NNNN	NNNY	NYN
Lancaster	NN*YN	YYY*N	NYNY	NNNN	NNNY	NYN*N	NNN*N	YNY*N	**YN*	YNNY	Y*YN
Lanterman	NNYYN	NYNN	NNNY*	NNNN	NNYY	NN*NY	NNY*N	YN*YN	NNNN	*NNY*	YNNN
Lewis	*NYYN	NYY*Y	NY*YY	*YNN*	YYYYY	YNNN*	YYYNN	YN*YN	YNNNN	YNYN	YYN
MacGillivray	*NY*Y	NYNN	NYNY	YNNN	YNYN	NN*YY	NNNN	NNNY	NNNNY	N*NY	YNYN
Maddy	N*YYY	*YYYY	NYNY	YY*NN	YYYYY	YYYY	YYY**	YNYYN	NYY*Y	YNN**	****
Mobley	NY*YN	YNYN	NY*Y*	*****	YNYN	YNYYY	*YYN	YNYYN	NNYNY	YNN**	*YYN
Monagan	*N***	*YY*N	NN*Y*	*****	*****	*NNY	NNN*N	*NNY*	N***	*NN**	****
Moorhead	NNYYN	YNNN	N**YY	NNNN	NNNY	NY*NY	NNYNN	NNNN	*NNNN	NNNY	NNNN
Murphy	NNYYN	YNNN	NYNY	YNY*	YNYN	YNYN	NNYNN	YNYNN	YNYN	NNNY	YYY
Priolo	Y*YYN	N**YN	YNNY	NY*NY	YNYN	*YNY	YYY*Y	YNNN	N*NY	YNNY	Y*YN
Russell	NNYNN	YNNN	NYNY	NNNN	NN*YY	N*NNY	NNY*N	YNYNN	NNYNN	N*NY	NY*N
Seeley	*NYNY	*YYN	NYNY	*NNN	YNYN	YNYN	YY*NN	YNNY	N*NNY	NNNY	*NYN
Stacey	N*YYN	YNYN	NNNY	YNNN	N*YNY	*YNY	NNNN	YNNN	NNNY	NNNY	N*YN
Stull	NNYY*	NYY*N	NYNY	NNNN	NNNY	NNNY	NNN*N	NNNY	NNY*	N**YY	NNNN
Wakefield	*****	*****	*****	NNNN	NNNY	NNNY	NNYNN	YNNNN	NNNN	NN*YY	YN*N
Wood	NNYYN	YYYY	NYNY	YNNN	YNYN	Y*YYY	YYYN	YNYYN	YNYN	YNYN	*YYY

Calif. Highway Commission and the Director of Finance to make changes in the budget. Passed 41-30.

AB 1778 (Sieroty) — Makes possession of marijuana punishable by imprisonment in the county jail for a period of not more than 6 months or by a fine of not more than \$500 or both, instead of punishable on first offense as a misdemeanor or felony with imprisonment in county jail for not more than 1 year or in state prison for not less than 1

year nor more than 10 years. Passed 41-35.

SCA 72 (Moscone) — Proposed constitutional amendment which would allow local school bond issues to be approved by a simple majority of votes cast instead of a two-thirds vote. Subject to voter approval. Adopted 57-16.

AB 73 (Quimby) — Authorizes public agencies to provide for the liability of peace officers, including punitive damages. Passed 54-13.

AB 1122 (Badham) — Requires per-

mit from Dept. of Aeronautics for expansion of existing airports. Requires department to weigh environmental considerations when issuing permits. Passed 45-25.

AB 347 (Chappie) — Imposes sales tax on sales of off-highway vehicles. Requires that part of fees paid for issuing and renewing snowmobile identification plates be expended for the development and conservation of trails and areas for the safe use of snowmobiles. Urgency. Passed 54-17.

July 6th to 7th

AB 1687 (Miller) — Authorizes cities and counties to adopt fair housing legislation to remedy segregation and discrimination in housing and to carry out fair housing programs and ordinances to establish rights and duties of landlords and tenants. Passed 43-13.

AB 2140 (Dunlap) — Authorizes state, cities, and counties to acquire various interests in open-space areas and includes condemnation as one of the methods of acquiring such interests. Passed 45-23.

AB 2284 (Chacon) — Appropriates \$5 million for bilingual-bicultural educational programs. Passed 54-16.

AB 414 (Sieroty) — Repeals requirement that a person arrested or convicted of a misdemeanor charge for possession of marijuana register with police in county every time he or she moves. Passed 47-21.

AB 1864 (Ketchum) — Prescribes mandatory jail sentence as condition of probation for persons convicted of driving under the influence of alcohol or drugs. Passed 51-12.

AB 165 (Brathwaite) — Establishes State Housing Finance Agency to make loans to non-profit housing corporations, consumer housing cooperatives, or any public agency for the construction, rehabilitation, or long-term financing of housing for low-income or moderate-income persons. Passed 54-19.

ACA 77 (Brathwaite) — Grants Legislature power to make loans or grants, acquire real property, authorize the issuance of revenue bonds, and make voluntary appropriations to assist financing of public housing. Adopted 54-19.

AB 200 (Sieroty) — Enacts California Coastal Zone Conservation Act of 1972. Prohibits, with prescribed exceptions, development in permit area without obtaining permit from regional coastal commission. Passed 60-11.

AB 1564 (Waxman) — Eliminates income tax deduction of up to \$100 per year for political contributions and provides instead for a credit of 30 percent of contribution up to \$7.50 for individuals and up to \$15 for married couples filing joint return. Passed 41-12.

AB 673 (Sieroty) — Removes authority of school districts to admini-

ster corporal punishment to pupils. Failed 17-51.

AB 1319 & 2156 (Moretti) — Two-bill package which enacts comprehensive plan for providing child care and preschool developmental services through a network of area councils, with \$25 million in funding for support of such services, and \$25 million bond act for construction of facilities. Passed 60-12. (Vote identical on both bills.)

AB 285 (Sieroty) — Prohibits performing transfusions with blood from paid donors. Failed 30-40.

AB 1179 (Brown) — Disallows any deductions under income tax and bank and corporation tax law on income derived from substandard residential property in California. Passed 54-19.

AB 2265 (Stull) — Creates Council for Private Postsecondary Educational Institutions to advise Director of Education on policies for regulation of postsecondary educational institutions. Passed 42-24.

AB 831 (Dunlap) — Prohibits the placing of a prisoner in isolation for more than 10 days in any three-month period. Prohibits segregating prisoner without his consent for more than 60 days in any six-month period except upon issuance of court order. Failed 34-39.

AB 1013 (Ralph) — Makes cash tips and gratuities received by worker from persons other than his employer "wages" for purposes of unemployment insurance law if equal to or greater than \$20 per month. Passed 41-29.

AB 1011 (Fong) — Requires Supt. of Public Instruction to designate pilot school districts which are to develop instruments and evaluation procedures for the early educational assessment of pupils. Passed 46-17.

AB 841 (Keysor) — Requires, effective July 1, 1973, that one department of Los Angeles municipal court hold night sessions to hear misdemeanor violations of Vehicle Code. Passed 54-16.

AB 1227 (Meade) — Creates California Advisory Commission on Population to study implications of present and future population growth in state. Failed 36-32.

AB 1685 (Crown) — Prescribes rules and procedures for the dissemina-

tion of criminal offender record information by criminal justice agencies. Requires Attorney General to establish regulations for the storage and dissemination of such information. Passed 54-14.

AB 1621 (Barnes) — Appropriates \$278,000 to Regents of University of California for the development of a San Diego campus of the Hastings College of the Law. Passed 54-18.

AB 1822 (Barnes) — Appropriates \$100,000 to Trustees of California State University and Colleges for San Diego instructional television. Passed 43-18.

AB 751 (Sieroty) — Allows minors 15 or older to consent to hospital and medical care for addiction to narcotics or for dangerous drug abuse. Failed 8-39.

July 13th to 19th

SB 349 (Wedworth) — Prohibits selling admission tickets to any entertainment event that were obtained for the purpose of resale at a price exceeding the original purchase price. Passed 59-2.

AB 1717 (Wakefield) — Requires Dept. of Public Works to allow an owner of real property a minimum of 14 days after receipt of a written offer to acquire such property for highway purposes, to accept or reject the offer. Failed 24-34.

AB 162 (Cory) — Requires financial disclosure by certain public officers and candidates of the nature and extent of their investments in excess of \$10,000 in value which are subject to the regulation of the public agency of which they are officers. Passed 42-18.

AB 1876 (Brown) — Provides for the establishment of comprehensive compensatory education programs for pupils who qualify economically and educationally in preschool, kindergarten, and grades 1 through 12. Passed 48-11.

AB 1703 (Brown) — Would continuously appropriate specified sums to California State University and Colleges and California Community Colleges for higher education opportunity programs. Passed 55-8.

AB 348 (Brown) — Provides for payment of \$350 to each prisoner upon discharge from state prison as an additional compensation for labor performed. Failed 40-25.



LETTER FROM WASHINGTON

By Lou Cannon

Nixonites worry about California

July 30, 1972

President Nixon's reelection strategists, from campaign chief Clark McGregor on down, are worried about Mr. Nixon's electoral prospects in California. Despite the strong showing for the President in every sort of national public opinion poll and despite the various tribulations of the McGovern campaign, private Republican surveys rate California no better than dead-even.

"The Governor's tired, the party organization is weak and we lack any kind of dynamic leadership," declared one GOP strategist last week. "When you add to this that aerospace is still down and that the President lacks overwhelming popularity in California, we've got problems."

MacGregor and the Republican National Committee have a well-publicized list of 10 states targeted for extra attention in November. But they also possess a shorter "got-to-win" list that includes Ohio and Illinois (where Mr. Nixon is secure), Texas (where the unleashing of John Connally is expected to make the difference), and California. Both the Committee for the Re-election of the President and the Republican National Committee view California as by far the worst off of these four.

California, however, continues to provide the model for campaign organization, and it may accomplish by example for the Republicans what it fails to achieve directly. MacGregor, who has taken firm hold of the helm at the Committee for the Re-election since replacing John Mitchell, is using the McGovern organizational success to spur GOP registration drives throughout the country.

"The McGovern campaign carried out a (voter identification and turnout) program in California, a state that political pros said could never be organized," MacGregor wrote in a confidential memo soon after taking over. "McGovern's campaign organization defied the experts when volunteers canvassed over 75 per cent of the voters by knocking on doors in 19,000 of the 23,000 precincts . . . If you cannot implement such a program in your state, we are facing an uphill battle in re-electing the President."

* * *

Washington-based reporters who cover California were the guests of Senator John V. Tunney and the Motion Picture Institute at a preview showing of "The Candidate", the new Robert Redford movie in which professional acting honors are deftly stolen by Melvyn Douglas, who plays the candidate's father and emerges

as sort of a composite Earl Warren-Goodie Knight-Pat Brown former governor. It was great fun for the reporters, especially since their own colleagues and assorted California politicians dominated the bit parts. The movie was less of a hit with Tunney, who didn't think much of the pre-packaged and slightly sappy hero who, in the film, relies on his father's political name.

Tunney had good reason to think little of "The Candidate," even if his reasons were not everyone's reasons. The ancient political maxim that one should never underestimate the voter's intelligence or overestimate the amount of information at his disposal is turned inside-out by the moviemakers, who apparently pride themselves on having attained the sophisticated understanding that you can make a candidate out of nearly nothing and then sell him to the country.

"It wasn't that simple," Tunney said afterward, and he was right. It wasn't, and it isn't.

* * *

Nearly anyone can look good in victory; only great men also thrive in defeat. Hubert Humphrey went out like a champion at the Democratic National Convention, displaying a dignity and a grace under pressure that earned him the respect of those of us who had covered him throughout the long, troubled months of his outspent, out-generated candidacy.

Humphrey ran on his record. But seven hours after he formally withdrew from the race, he met with the handful of reporters who had followed him from primary to primary and declared that the record is not all that important. "Politics is like religion," Humphrey said. "It's not the text or the scripture, it's the feeling of the Lord." And then this great, good man whose time had passed him by as a presidential candidate derived substance from the shattering experience of his campaign and said he would be a better senator because of it.

"I had a chance to find out a great deal about the mood of the country — and there is a change of mood in the country," he said. "I can't quite identify it but there is a change and I don't think I would be as good a man in public life as I will be had I missed the chance to test that change. I'm a more sensitive person now to what is really going on than I would have been had I just been smugly content with being a United States senator, \$42,500 a year for six years . . . I have been out and I have tasted of the fruit of the land."

A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps both.

-James Madison